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From Creation to Covenant

Bernard Och

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Nothing But The Truth?

Mark Dratch

***‘Am Yisrael* — Jews or Judaism?**

Norman Roth

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STATEMENT OF PURPOSE

In increasing measure, modern men are turning again to the quest for a worldview on the issues that are timeless—the meaning of life, the challenge of death, the purpose of suffering, the significance of the individual, his relation to society, and the goal of history. In order to advance this enterprise of spiritual discovery of our time this Journal has been projected. It will be primarily concerned with the philosophy, ethics, and religion of Judaism as a factor in the contemporary world . . .

We are committed to the proposition that Judaism has positive value today for Jews and for the world . . . At the same time, we disassociate ourselves from the dangerous tendency toward the hardening of party lines on the contemporary Jewish scene . . . The members of the Board of Editors belong to every school of Jewish life or to none. The trends popularly referred to as Orthodox, Conservatism, Reform, Reconstructionism, as well as others that as yet have no specific names, have their advocates among us, though no institution or movement is officially represented . . . Undoubtedly, our differences will find expression in these pages, but we shall be at one in opposing the dogmatism which takes for granted that one's own particular standpoint has a monopoly on truth and the authoritarianism which would suppress any contrary point of view.

Judaism will be dedicated to the quest for truth in the spirit of freedom. Our columns will be open to anyone who has something significant to say and the ability to say it well. New and unconventional interpretations, whatever their standpoint, will be welcomed from every source, for we share the conviction of the Talmud that "Both these and the others are the words of the living God." *From the introductory article by Robert Gordis, "Toward a Renaissance of Judaism" in Vol. I, No. 1.*

The First Reader

What Is Authentic?

In contemporary theological discussions — and even more in theological polemics — an argument is frequently bolstered by the contention that it represents “authentic” Judaism. In his paper, “‘If Rabbi Akiba Were Alive Today . . .’ or The Authenticity Argument,” *Jonathan Cohen* undertakes to demolish the recourse to “authenticity” on philosophical ground. He attacks a variety of Jewish scholars and thinkers, with the Editor of this journal as perhaps the principle target of his criticism. A detailed analysis of the paper would require a paper at least as long as his. Since I have always regarded the “authenticity” argument with suspicion and do not really invoke it, even in the passage that he quotes from my writings, I shall content myself with only a brief comment.

The passage in question, far from invoking the authenticity argument, declares it largely irrelevant in dealing with the dynamism of Jewish law through the ages. But there is a measure of validity in raising the question of authenticity, since Judaism is a historical religion with a long and varied experience of centuries behind it. In those instances where the argument has a degree of relevance, it may be regarded as a necessary, but surely not as a sufficient condition.

It is worth noting that Jonathan Cohen has apparently driven “authenticity” out of the door, but readmits it through the window by recognizing history as revelation.

However one reacts to each element of the author’s presentation, the essay is a valuable corrective to the mindless rubber-stamping of one or another doctrine, practice, or school of thought as being “inauthentic.”

The Importance of the Garden

The Garden of Eden narrative is generally associated with the themes of sin and punishment, both in Judaism and, in a broader, cosmic sense, in Christianity.

In this paper, "The Garden of Eden: From Creation to Covenant," *Bernard Och* analyses the narrative from another point of view. He concludes that there is a unitary theme throughout the Torah leading to the covenant with God, which established Israel as a "a kingdom of priests and a holy nation." Viewed from this perspective the Garden of Eden narrative is seen to possess a greater measure of theological significance than has generally been granted to it by Jewish thinkers.

The role of the covenant subsequent to the Garden of Eden episode is explored in a second essay which will appear in the Summer 1988 issue of JUDAISM.

Man Is Holy

A unique form of biblical interpretation, the midrashic method, arose in the rabbinic period. In essence, the Midrash separates the biblical passage from the context in which it occurs and from the historical event or condition to which it was originally addressed. The free fancy of the rabbinic interpreter then applies the biblical text to totally unrelated personages or events and derives from it religious or moral lessons.

When the Hasidic movement arose, it carried the midrashic method a major step forward. Not only did it sever a biblical phrase or verse from its context and historical background, but it separated words from their original meaning, thus producing striking new insights, linked only formally to the biblical text.

An interesting example of this technique is afforded by "The Holiness of Man," a brief Hasidic homily by *Rabbi Yitzhak of Radvil*, translated and introduced by Samuel H. Dresner. The Hasidic master utilizes the famous passage in the Pesah *Haggadah*, "Each one is obligated to regard himself (^ʿ*azmo*) as though he himself had come forth from Egyptian bondage." The familiar word, ^ʿ*azmo*, "himself," is equated here with ^ʿ*azmuto*, "his essence". So, too, the verb ^ʿ*anu* (with an *Ayin*) "they answered" is interpreted as ^ʿ*anu* (with an *Aleph*) "we". Thus, a passage dealing with deliverance from Egyptian bondage becomes an affirmation of the holiness of the human person.

Who or What are Women?

Readers of the Bible are familiar with the prohibitions against various kinds of mixtures, such as wearing *sha'atnez* (cloth of wool and flax), breeding animals of two different species or sowing mixed crops. In recent years scholars have tended to explain these practices, and others, as due to a penchant for dividing all phenomena into two opposite categories and avoiding hybrids, as constituting an intermediate or ambiguous class between them.

In her paper, "Tragelaphos Revisited: The Anomaly of Woman in the Mishnah," *Judith Romney Wegner* approaches the status of women in

rabbinic law from this perspective. Using as an analogy the mythical *Koy*, which the rabbis describe as both beast and domestic animal, she notes that women in the Mishnah are treated as persons in some respects and as chattel in others. Her theory offers an interesting approach to the understanding of the status of women in traditional Judaism.

A Psychiatrist Looks at Job

The position of the Book of Job as one of the supreme expressions of the human spirit derives both from its form and its content. It contains some of the greatest poetry in the world and is concerned with the most agonizing question in life and in religion — the problem of evil, or, to use the more specific language of the rabbis, “the suffering of the righteous and the prosperity of the wicked.” Job is the prototype of Everyman, the symbol of suffering humanity.

Scholars and other attentive readers have also recognized the complex structure of the book, as well as the long pre-history of the Job tradition before it took shape in this masterpiece.

In his essay, “Job’s Agony: A Biblical Evocation of Bereavement and Grief,” *Herman M. van Praag* dismisses the various approaches and conclusions of Job scholarship. He reads the book as a seamless unity from beginning to end, finding no differences between the prose Prologue and Epilogue on the one hand, and the poetic Dialogue on the other. Nor does he note any variations in standpoint among the speeches of the Friends, Elihu, or the Lord Out of the Whirlwind. Moreover, the author of the essay sees Job not as a symbol of Everyman but as a specific individual whose weaknesses he subjects to psychological analysis. Using this conception of the book and its hero as a basis, the author is able to illustrate the experience of bereavement, grief and consolation that are characteristic of the human condition.

Ethics in Medicine

The explosion in new medical knowledge and the discovery of new therapeutic techniques have raised a host of questions in ethics and in public policy with which theologians, ethicists, legislators and the general public are increasingly concerned. On many issues, there is a variety of contrasting opinions. On some problems, a consensus is beginning to emerge.

One example where the scientific community finds itself largely supported by religious and ethical tradition is the area of the care of the terminally ill, where radical changes in procedures have taken place. The traditional Jewish view on the subject, as expounded by one of the great halakhic authorities of the age, the late Rabbi Moshe Feinstein, is presented by *Fred Rosner*, in his comprehensive essay, “Rabbi Moshe Feinstein on the Treatment of the Terminally Ill.”

Who Is A Jew?

Most modern Jews in America and elsewhere would probably not describe themselves as “religious,” yet they would have no hesitation in filling out a legal form and putting the term “Jewish” on a line asking for their religion. By and large, there is little overt antagonism to the Jewish religion, even among those who criticize drastically many of the institutions, activities and leaders in Jewish religious life. In other words, there is essentially a friendly relationship existing between the non-religious Jew and the Jewish religion.

In a trenchant paper, “*Am Yisrael: Jews or Judaism?*,” Norman Roth argues that the use of the term “religion” to describe the Jewish community has narrowed its plane of vision and constricted its cultural development, both in the past and in the present. He calls for recognizing that Jews are a “people,” containing within its ranks every conceivable type of belief and unbelief; the secularist is as legitimate as the religionist. On this foundation, he believes, a renaissance of Jewish culture in all its breadth and depth can be erected.

The warmth and concern of his presentation will impress even those readers who may question one or another aspect of his paper. It will surely evoke lively discussion.

How Do You Transmit Theology?

Does Judaism possess a theology or a body of dogma? The question, debated during the nineteenth and early twentieth centuries, has long been settled in the affirmative. That it arose at all was because, in spite of some illustrious examples, Judaism did not develop elaborate systems of theology comparable to Aquinas’ *Summa Theologica* or a binding test for religious conformity, as was the case in traditional Christianity.

Instead, Judaism, as Schechter and others have pointed out, contains a fluid body of doctrine which defines the content of the tradition without constricting it. In his essay, “A Narrative Jewish Theology,” Steven D. Kepnes calls attention to the use of narrative, both in the Bible and the Midrash, for conveying religious truths and demonstrates the advantages of the method.

Truth At All Times?

In view of the hearings and investigations that took place in Washington during the recent past, there has been a new interest in the question of the role of lying as an instrument of government policy. This, in turn, has raised the more inclusive question of possible limitations on truth-telling in interpersonal relations.

These perennially vital issues are explored by Mark Dratch in his paper, “Nothing But The Truth?” He offers a brief survey of non-Jewish

religious and philosophical discussions on the subject of truth-telling, which serves as a preface to the treatment of the subject in the Talmud. He then looks at some traditional Jewish exegesis of biblical passages in which worthies, like Abraham and Jacob, are involved in "bending the truth." The essay concludes with a summation of the ethical principles on truth-telling that may be distilled from the Jewish tradition.

Belief in One God

That ethical monotheism is the great contribution of the Jewish genius to the world is generally recognized, though the meaning of the term is by no means clear. Neither is there any consensus as to how and when the doctrine arose in Israel.

In their paper "Hebraic Monotheism: The Evolving Belief, The Enduring Attitude," *Michael J. Carella* and *Ita Sheres*, set forth six scholarly views with regard to the character and genesis of biblical monotheism. The authors suggest that in the light both of the paucity of sources and the conflicting interpretations and dates to which they are subjected, these issues will not easily be resolved. Instead, they present no less than ten aspects of Hebrew monotheism and the implications that they have for human existence.

R.G.

“If Rabbi Akiba Were Alive Today . . .” or The Authenticity Argument

JONATHAN COHEN

AUTHENTICITY CLAIMS ARE A COMMON FEATURE of discussions both between and within the various branches of Judaism. One frequently meets with language such as, “What Judaism is really about is . . .”, or “. . . constitutes authentic Judaism”, or “Judaism has always featured . . .”, or even “If Rabbi Akiba were alive today, he would say . . .” Such claims are, of course, highly normative; identifying something as essential to Judaism not only implies a program to promote that central element but also serves to exclude other concepts, practices, even entire branches of Judaism as inessential or even illegitimate.

Authenticity claims can be made directly, in the present tense, as in “Authentic Judaism is . . .”. In this form, however, their force is little better than dogmatic, and they will appeal only to those who already consider them true. There is rarely any intrinsic reason why one current element of a certain complex should be essential and another not. The traditional philosophic test of an essential attribute is whether the thing would still be what it is were that attribute removed. But, in the case of Judaism, the attribute’s continued character as Jewish is precisely what is at issue. It cuts no argumentative ice to assert that without X there is no Judaism if, nonetheless, people are going around without X and are claiming to be Jews.

Authenticity claims have more persuasive force when they come in the “Judaism has always featured . . .” form. In such statements, a present-tense position is supported by some connection with the past. The Jewish past is clearly authentically Jewish; thus, the connection with the past serves to authenticate the current position.

In this paper I wish to focus on those arguments in which the past is presented as justification for the present. I will call these “authenticity arguments,” even though the word “authenticity” may not actually appear in them, and even though the argumentation that they feature is characteristic of only one form of authenticity claim. *An authenticity argument is one in which a statement about the past is offered as sufficient support for a position regarding the present.* The sufficiency is crucial; a typical authenticity argument will offer a historical fact standing alone as grounds for its conclusion. An authenticity argument assumes that history is enough.

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An example of an authenticity argument can be found in Robert Gordis's article, "A Dynamic Halakhah."¹ He writes:

Jewish law was never monolithic and unchanged in the past. There are, therefore, no grounds for decreeing that it must be motionless in the present and immovable in the future.

The negative form of the argument indicates that Gordis is countering an opponent's contrary claim. Nonetheless, the argument features the standard inference of an authenticity argument. Gordis implicitly accepts, as does his putative opponent, the idea that the character of Jewish law in the past provides sufficient grounds for deciding its character in the present. Had Jewish law been monolithic in the past, one would have grounds for decreeing that it should be motionless in the present. Gordis devotes most of his effort in "A Dynamic Halakhah" to demonstrating his historical premise, and takes the argumentation for granted.

Indeed, the ascendance of historical authenticity is revealed by the fact that, for the most part, Gordis's critics take it for granted, too, and this regardless of whether they attack him from the right or from the left. J. David Bleich, defending Orthodoxy, disputes the legal precedents cited by Gordis to demonstrate his premise, while leaving Gordis's argument uncriticized.² In effect, then, Bleich offers an argument of precisely the same form for his position: Jewish law has bent over backwards to preserve precedent in the past; therefore, it should do so on the halakhic questions of the present. From the other direction, Reform's Eugene Mihaly makes the same criticisms as Bleich does of Gordis's historical position.³ And, while he cannot make precisely the same authenticity argument as they, he does, nonetheless, make an authenticity claim: "Traditional Halakhah is a calcified distortion of our historic faith."⁴ Thus, we find the potency of authenticity accepted throughout the spectrum of Judaism; the only open question is the content of the past.⁵

Our concern here, however, is not with the question of who is right about what is/was authentically Jewish, but with the structure of the authenticity argument itself. At first glance, there are two problems with it. First, it seems that the argument commits *the modal fallacy*. That is, the argument seeks to derive a prescriptive statement, expressed in the subjunctive mood ("We *ought* to do such-and-such"), from a factual statement, expressed in the indicative mood ("Such-and-such *is* the case"). As Hume showed long ago, an argument which seeks to derive an "ought" from an "is" can never work; no set of facts can, by themselves, justify a

1. JUDAISM, 28:3 (Spring, 1979): 263-282. The passage quoted is found on p.264. I wish to emphasize that the Gordis article is cited here only as a source of an example of an authenticity argument, and is not, itself, the particular target of this paper.

2. "Halakhah as an Absolute", JUDAISM 29:1 (Winter, 1980): 230-37.

3. "Halakhah is Absolute and Passé", JUDAISM 29:1 (Winter, 1980): 68-75.

4. Ibid., p.74.

5. The situation of Reconstructionism vis-a-vis authenticity will be treated below.

moral prescription.⁶ Just because the world is arranged in a certain way is no reason why it *should* be arranged that way, or any other way.

Second, authenticity arguments feature not only a disjunction between modes, but, also, a disjunction between tenses. That is, present-tense conclusions are based on past-tense premises. As far as I know, this type of argument has not been studied before; let us dub it *the tense fallacy*. In authenticity arguments, the modal fallacy and the tense fallacy serve to exacerbate each other. It is bad enough when someone tries to demonstrate a prescription on the basis of facts alone; those who use authenticity arguments seem to be relying on *past* facts to ground *current* values. Authenticity arguments seek to derive an “ought” from a “was.”

David Novak seeks to defend Gordis from the charge of committing the modal fallacy as follows: “(H)is descriptive statements are about a *normative continuum*, which already contains prescriptions which themselves call for future applications.”⁷ Facts about the past are, strictly speaking, mute. The Jewish legal past, however, includes within itself statements such as “This day shall be to you . . . a festival to the Lord *throughout the generations*; you shall celebrate it as an institution *for all time*.”⁸ According to Novak, the past to which Gordis appeals as a basis for his current position was, itself, a set of injunctions. Rather than deriving an “ought” from a “was”, Gordis is reminding us of (what he takes to be) an “ought-for-all-time” given in the past.

There is some appeal to this reading of the authenticity argument. Typically, Jews do want to feel that they are being faithful to their history in a fashion parallel to that in which they are faithful to their Law. But such faithfulness is parallel only; being faithful to a law and being faithful to a history are two different things. The authenticity argument as delivered by Gordis is not, “This was the Law; therefore we should observe it now,” but, rather, “This was what the rabbis *did* with regard to the Law; therefore, we should do likewise now.” Gordis does not appeal to past prescriptions but to past *facts*.

As they are usually given, with only the historical premises and prescriptive conclusions explicit, authenticity arguments are bad arguments. There is a logical gap between fact and prescription and, also, between past and present. The fact remains, however, that the past is taken to be prescriptive by many (otherwise) reasonable people. The principle of charity requires that we try to find suppressed premises which will make the arguments plausible, on the assumption that they were, indeed, intended by the arguers.

The obvious candidate for the suppressed element in the argument

6. *A Treatise of Human Nature*, selections reprinted in *British Moralists 1650-1800*, ed. D.D. Raphael (Oxford: Oxford Univ. Press, 1969), Vol. II, s.504.

7. “Change and Status Quo”, *JUDAISM* 29:1 (Winter, 1980): 42, fn.12. By “normative continuum” Novak apparently means values which seek to perpetuate themselves for all time.

8. Exodus 12:14 (JPS translation, 1962), *emph. added*.

is that “what was,” was good. If one is arguing in favor of doing X in the present, one is clearly assuming that X is good. Thus, if one offers as justification the fact that X was done in the past, it is reasonable to suppose that one is assuming that X was good. In a sense, the value assumption that we are here attributing to an authenticity claim is similar to the one that underlies the statement that something is natural.⁹ The words “authentic” and “natural,” though their strictly literal meaning is descriptive, do, ordinarily, carry a positive value connotation along with them, to the point where labelling a practice “inauthentic” or “unnatural” is sufficient to condemn its continuation.¹⁰ In the Jewish context, the logic manifested here by an authenticity argument is similar to that of the Talmudic “*ma’a-seh*”, in which the actions of a sage are taken as support for a certain law.¹¹ The assumption is clear: if the sage did it, it must have been good.¹² Similarly, in an authenticity argument, the assumption is that if it is an authentic part of our past, it must be good.

Making this element of the argument explicit does save it from the modal fallacy. In the context of prescriptive arguments, saying “X is good” is tantamount to saying “One ought to do X”; once “oughtness” has been introduced into the premise it may properly show up in the conclusion. Unfortunately, adding “X was good” leaves the argument still in the grips of the tense fallacy. That is, just because X *was* good does not mean that X still *is* good now. The latter claim must be argued for on its own merits. Such an argument will be in present-tense terms, dealing with our own current-day conceptions of what is good. But, if such an argument is successful, the appeal to history is entirely superfluous. If one has a present-tense argument for one’s present-tense prescription, why not just give it?

I suspect that the suppressed premise in the authenticity argument is not a single one, but, rather, a whole complex of ideas concerning history and revelation. We can divide our discussion of this complex into two stages: history *of* revelation and history *as* revelation.

In Biblical religion, connection with God occurs by means of direct, continual revelation. However, ever since prophecy “disappeared from the people Israel,” we have been unable to attain contact with God except by connection with the past. Specifically, we must follow the past history

9. Classical moral philosophy is full of attempts to use “natural” as a sort of prescriptive description. See the Raphael collection cited above, especially the selections from Butler (Vol.I).

10. For a criticism of the appeal to nature which is quite similar to ours here of the appeal to authenticity, see the selections from Bentham in Vol.II of the Raphael collection, especially s.960.

11. Sometimes, even as sufficient support; see, for example, *Berakhot* 27a-b.

12. There is a sense in which many “*ma’asim*” are epistemic, that is, they are cited as evidence that such-and-such is the law, the assumption being that the sage would know the law and act in accordance with it. Still, “If the sage did it, it must have been good” holds in these cases as well.

of revelation as spelled out in the Rabbinic ideology: Moses received the Torah on Mount Sinai, Joshua received it from Moses, and so on.¹³ For the Rabbinic Jew, contact with God is maintained by faithfulness toward God's revelation to Israel, mediated by the Rabbis' interpretation and expansion of that original Revelation. Indeed, the only way to have contact with God is by being faithful to this history of revelation. This ideology is expressed concisely in the slogan: "*Kol torah she'ein lah beit av einah torah*", "Any (element of the) Law which does not have an antecedent is not (a true element of the) Law."¹⁴ On this view, innovation is a sin, and history comes to have a religious/moral imperative attached to it.

Given the background of this view of history, the authenticity argument avoids both the modal and the tense fallacies. On the literal level, the premise is a historical fact, but, because this fact concerns revelation, it carries an implicit premise along with it, something of the form, "One *ought* to maintain unchanged the process of revelation in all facets." This serves to prescribe for the present whatever part of the historical process of revelation is under discussion. Thus, a prescription, an "ought" may validly appear in the conclusion of the argument. In short, present-tense "oughtness" is implicit in any authenticity claim which makes reference to the history of revelation.

Note that this solution to the modal fallacy is not the same as that proposed by Novak. In this analysis of the argument, the historical premise *consists of* prescriptions. The result of our analysis here is that the historical premise is *itself* implicitly prescriptive, *simply by dint of being historical*. That is, even if revelation consisted not of prescriptions but of, say, horse racing results, a historical premise which made reference to revelation would still carry a religious imperative along with it, simply because it would be our sole connection with God in the post-Prophetic world.

But history of revelation is not the only significance which history has in Judaism. If it were, authenticity arguments would be far less pervasive in the literature than they are, since they would, on the one hand, apply only to issues involving revelation and, on the other hand, appeal only to those who accept the ideology of revelation outlined above. But, in fact, the significance of history in Judaism is more general. There is a sense in which, for Judaism, *history itself is revelatory*. That is, since, for Judaism, God is the God of history, what happens in history is as revelatory of God's will as is explicit revelation. This can apply not only to distinct events such as the Exodus, but to more gradual, cultural changes as well. These result in norms and practices so deeply embedded that, to those who hold and observe them, they seem as divine in origin as those norms and practices which have been explicitly revealed. An outstanding example of this in Judaism is the festival of *Simhat Torah*.

13. See Mishnah *Avot*. 1:1ff.

14. Talmud Yerushalmi, *Pesahim* 6:1.

I suggest that the persuasiveness of authenticity arguments is that they tap into this valuation of history *as* revelation. The logical mechanism by which the argument proceeds is the same as for history *of* revelation, i.e., history itself comes to have an implicit religious/moral imperative attached to it, so that the appearance of “oughtness” in the conclusion is not a fallacy despite the explicit “was-ness” of the premise. What is different about history *as* revelation is that it focuses directly on what was done. We have seen that if one pays too much attention to the fact that what is under discussion is the Law (as in Gordis’s argument), one might make Novak’s mistake and conclude that it is the imperative of the Law which allows the drawing of a prescriptive conclusion. History *as* revelation precludes this: prescriptiveness stems simply from the fact of history. One can safely conclude what should be done on the basis of what has been done.

At this point, we are ready to consider the position of the Reconstructionist movement with regard to authenticity. It would seem that Reconstructionism’s deliberate declaration of a new era in Judaism would demand its estrangement from the history “pipeline.” And, indeed, for Reconstructionism, the claim that something was done during some period of Jewish history carries no prescriptive weight concerning its performance now. However, Reconstructionism does seem still to buy into the overall ideology of history which, as we have seen, underlies authenticity. Reconstructionists utilize this ideology when they offer *the fact that* Judaism has entered a new era as support for some program. The unspoken assumption is that this entering a new era, this historical fact, is prescriptive. Note how Ira Eisenstein responds to Gordis’s article:¹⁵

I am convinced that we Jews have come to the end of a major, prolonged chapter in our history . . . The time has come for a thorough reconstruction of our body politic. A new Mishnah must be written (etc.).

Why *must* a new Mishnah be written? Note that Eisenstein does not cite a current need which would operate regardless of our historical position. The only reason offered is that the times have changed. We are, thus, being urged once more, to be faithful to history, even though it is current history. To put the matter another way, it is because the present is part of history, a history assumed to be revelatory, that it is prescriptive.

We have seen that, as given explicitly, authenticity arguments are formally invalid. Charitably understood, however, they can be seen to include a suppressed premise which saves them from fallacy. It is not simply “what was, was good” or “what was good, is good” or even a combination of the two. Rather, what is suppressed is a complex of ideas, amounting to an implicit ideology, concerning the revelatory nature of history.

One who would criticize an authenticity argument, then, has three

15. “There Is No ‘One’ Halakhah,” JUDAISM 29:1 (Winter, 1980): 64-65. The passage cited is on p.65.

options. While accepting the argumentation, one may dispute the arguer's reading of the history; this is what Bleich does to Gordis. Or, one may take issue with the ideology of history of/as revelation; to my knowledge, this has not been done. (The very idea seems vaguely unJewish). The third option, the one I push here, is to question the *strength* of authenticity arguments. That is, I question whether these arguments, even if formally valid, have any legitimate persuasive force.

I used to say that, were Rabbi Akiba alive today, he would make an exception for Chinese restaurants. Now that I've found out a little about Rabbi Akiba. I no longer think so. I think he would probably be on the faculty of Yeshivah University, and in its right wing at that. (Rabbi Ishmael, on the other hand, would probably be at JTS.)

But what of it? Being able to claim a historical antecedent adds little to one's position vis-a-vis competing positions. The problem is that one can be historically accurate in different ways. History is manifold, as manifold as nature, and, as such, it can support divergent views equally well.

History is manifold, first of all, in the sense of including many different strands. For example, at times Jewishness was traced patrilineally, at times matrilineally. Who is to say, on the basis of history alone, which is more authentic? There are no clear criteria for taking some pieces of history as prescriptive and not others.

History features a manifold of interpretations as well. A classic instance is the destruction of the Temple. Some take this to be a signal from God that the era of animal sacrifice is over. Others see it simply as part of the destruction and dispersion and assume that, in Messianic times, the Temple will be rebuilt and sacrifices resumed. Thus, the same event can be taken to imply different messages from God. There is no preferred method of interpreting history, no objective way to learn its lessons without prejudice so that history will speak with only one voice.

I do not mean to denigrate history. For us Jews, history and tradition are crucial. By repeating ancient rituals and reliving root experiences we maintain contact with our people and our God. We must realize, however, that we do not do X simply because our ancestors did X, but because we want (present-tense) to do as they did, or because we consider ourselves to be (present-tense) bound by the same law, and so on. I do not doubt for a minute that such present-tense arguments are available. I am sure, for example, that Eisenstein has other reasons for proposing a new Mishnah than simply the fact that times have changed; he can cite a feature of the present for which the old Mishnah is unsuited. What derives me to write this paper is a desire to hear those present-tense arguments, to push the debate up to the level where the issues are really joined.

In sum, in the context of inter- (and even intra-) movement arguments, the search for authenticity is empty. The appeal to history, while important religiously, is polemically impotent. While continuing to trace our views and practices to our past, we should be explicit about the present-tense reasons why we maintain them now.

*The Garden of Eden: From Creation to Covenant**

BERNARD OCH

THE GARDEN OF EDEN STORY, GENESIS

2:4-3:24, is an enigma. It poses a number of perplexing and disconcerting problems: the drastic change in style and content as compared to Genesis chapter 1, the primitive, anthropomorphic portrayal of a God who acts out of jealousy and vindictiveness, the appearance of mythical beings and objects, the abject and pathetic behaviour of man. All these serve to confuse and even embarrass the reader who relates to the Biblical text as a revealed, religious document which portrays the origins of the world and human existence. This, perhaps, explains why the garden of Eden narrative has, for the most part, not received the serious study and attention of Jewish thinkers and scholars. It has, too often, been looked upon as a bothersome tale whose inclusion in the Biblical text must somehow be justified before moving on to more serious and substantive matters.

This attitude stands in marked contrast to the importance which Christian thinkers have ascribed to the garden of Eden story. Christian theology up to the time of the Enlightenment was informed by the conviction that everything essential concerning the world and man had already been said in the first three chapters of the Bible within the account of Creation and fall. The next important event for the Christian concept of history was the suffering, death and resurrection of Jesus, with the remainder of human existence unfolding between the poles of fall and redemption.¹

It is our contention that the garden of Eden narrative is of crucial

1. It is important to point out that this Christian interpretation of the history of mankind is not grounded in the Biblical text when viewed as a whole. The isolation of the first three chapters of Genesis, while basic to dogmatic Christian theology, has resulted in a fundamental misunderstanding of the Biblical teaching concerning man and the world. The Biblical reflection on Creation and the primeval period is inextricably bound up with the history of mankind as centered in the history of God's chosen people. The first chapters of the Bible are an integral part of the Pentateuch at the center of which is set the account of the exodus from Egypt and the revelation at Sinai, the two events which constitute the basis for the formation of the people of Israel. The boldness of this conception is that the constricted history of a small people is presented as the consummate act of the same God who created the world and man.

* Part I of a two-part article. The sequel will appear in the next issue.

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importance to an understanding of the Biblical teaching concerning the people of Israel. It provides a symbolic description of the essential nature of the relationship between God and mankind, setting the stage upon which the drama of God and Israel was to be played. The first three chapters of Genesis, culminating in the garden of Eden story, are to be distinguished, not isolated, from the remainder of the Biblical text. They constitute a self-contained introductory unit which delineates all of the elements necessary to an understanding of the unique role assigned to the people of Israel in the Bible. The Creation/garden of Eden prolegomenon leads necessarily and inevitably, not to Calvary, but to God's revelation at Sinai; to understand the garden of Eden story is to understand the Covenant at Sinai.

The basis of our hypothesis is that the garden of Eden narrative constitutes the transition from Creation to Covenant. It is a symbolic presentation of a caesura in the basic design of Creation which resulted in a shattering of the original relationship between God and man that can be reconciled only through the Covenant at Sinai. Theologically, the garden of Eden narrative is the midpoint between Creation and Covenant, and can only be understood within the context of this continuum.

The midpoint compels us to return to the beginning, for it is there, in the primeval origin of the world, that the meaning of the garden of Eden story begins to unfold. The primary purpose of the creation account, Genesis 1, is to define symbolically the essential relationship of God to the world, namely, that of Creator to Creation. The creation story opens with the words, "In the beginning God created the heavens and the earth." The Biblical text does not state that first God was and then He created heaven and earth, but that in the beginning God created. Within the context of worldly and human existence God does not function as Creator; He is Creator — the One, Absolute Creator. God is God precisely because He is Creator, the source of all Creation. Everything else in the world emanates from this beginning and exists within the ontological parameters of Creation and creatureliness. God is always the Creator, never the Creation. There is no causal relationship or continuum which binds or unites God to the created world. Through the imperative of command, God creates in absolute freedom and remains totally independent vis à vis His Creation. He is not bound to the created world, but, rather, binds the world to Himself through His command and act of creation. This is the essential, metaphysical dualism of the Biblical teaching concerning Creation: the unlimited, infinite Creator who is radically distinguished from the limited, finite world of creation.

The radical "otherness" of the Creator is dramatically illustrated in the verse, "And God said, 'Let there be light'; and there was light" (Genesis 1:2). God creates through the imperative of the spoken word and, yet, in the act of Divine creation, the word and the deed are not separated, they remain indissolubly one. With God the imperative is the indicative;

the latter does not follow from the former. The indicative is not the effect of the imperative; it is the imperative. This is the uniqueness of God's act of creation and dissociates it completely from any analogy with human doing or acting.²

When we turn to the act of creation itself, we see that it is defined as a series of separations and divisions.³ The first four acts of creation, wherein the world is ordered into its time and space dimensions, are described as a separation. God separates primordial light from primordial darkness, day from night, the upper waters from the lower, water from dry land, and terrestrial light from terrestrial darkness. As the narrative moves on to the creation of plant and animal life, the verbs of division disappear but the repetition of the words "according to its/their kind" reinforces the separation theme although the symmetry is looser and less formulaic.

There is, however, another motif which underlies the process of Divine creation, and this is the theme of limitation. Separation implies limitation, for the God who divides and orders the world into its component parts does so through the setting of limits and boundaries. God's infinite power enables Him to establish limits for all of creation, thereby assigning to each separate part its fixed place and proper function within the created world.⁴ God's work of creation orders and demarcates the world of nature and living creatures. Everything is in its assigned place; everything has its designated function. The stage is now set for God to turn to His supreme act of creation: mankind.

"Then God said, 'Let us make man in our image, after our likeness . . .' So God created man in His own image, in the image of God He cre-

2. It is interesting to note that the creation activity presents a vertical perspective, from God above, down to the world below. This vertical movement emphasizes the remoteness and distance which exist between the Creator God and the created world. In the garden of Eden story, the sense of movement is entirely different. The perspective is no longer vertical but horizontal, with God, Himself, actively involved in the life of man. God is even portrayed as appearing within the time-space constructs of human existence. "And they heard the sound of the Lord God walking in the garden in the cool of the day" (Genesis 3:8).

3. The basic act of separation is that of God's withdrawal from the world which empties the created world of any godly essence or substance. All further acts of demarcation and bifurcation emanate from this original act of separation. It is interesting to consider that the verb, "*bara*," which is used exclusively to describe God's creative activity, may have once had the meaning of "cut" or "separate" (Joshua 17:15, Ezekiel 23:47).

4. There are numerous references in the Bible to this dual theme of separation and limitation: "Who has measured the waters in the hollow of His hand and marked off the heavens with a span, enclosed the dust of the earth in a measure and weighed the mountains in scales and the hills in a balance" (Isaiah 40:12)? "Thou didst set the earth on its foundations, so that it should never be shaken. . . . The mountains rose, the valleys sank down to the place which Thou didst appoint for them. Thou didst set a bound which they should not pass, so that they might not again cover the earth" (Psalms 104:5-9). "Who shut in the sea with doors, when it burst forth from the womb. . . and prescribed bounds for it, and set bars and doors, and said, 'Thus far shall you come and no further, and here shall your proud waves be stayed'" (Job 38:8-11)?

ated him; male and female He created them" (Genesis 1:26-28). The Biblical teaching that man was created in the image of God has been interpreted in many different ways. For the most part, these interpretations identified the image of God with some unique human quality which radically distinguishes man from all other living creatures. They were based on the assumption that the creation narrative was describing the essential nature of man as an individual.

It is our contention that the *Imago Dei* does not refer to a particular quality which man possesses, but, rather, describes mankind as a whole without limiting itself to a specific detail taken in isolation. The creation of man in God's image is not a statement about the nature of man, but, rather, a description of the unique situation of man vis à vis God, namely, that mankind is created so that something can happen between man and God. It describes the uniqueness of human existence by virtue of which the individual can enter into a relationship with God. God has granted to man, of all creatures, not a unique quality, but a unique position before Him. The human being is regarded as God's counterpart on earth, the "You" who is addressed by God, and the "I" who is responsible to God. God can speak to human beings, and they can understand Him and respond to Him. The human being is the only creature whom God can address.

This unique function of man becomes immediately evident in God's blessing of fertility, "And God blessed them, and God said to them, 'Be fruitful and multiply'" (Genesis 1:28). A similar blessing has already been given to fish and birds, "And God blessed them saying, 'Be fruitful and multiply'" (Genesis 1:22). The radical difference between these two blessings lies in the insertion of the words "And God said to them" which are found only in the blessing to man. With the creation of man, God has someone to whom He can speak. What has, heretofore, been a Divine monologue will, henceforth, become a Divine-human dialogue. The proper function of each created object has been assigned to it by God as a fixed and unchanging part of its essential nature. The essence of man, however, does not reside within man, but is to be found in his relationship to God, namely, that of listening and responding.

This Divine-human relationship not only determines the meaning of human existence, but, also, drastically alters God's relationship to the world. The Creator God who has, heretofore, radically separated Himself from the created world, now opens up the possibility of entering the world through His relationship with man. A Divine-human dynamic has been set in motion which enables the transcendent God to enter the time-space constructs of worldly existence and provides man with the means to transcend the finite and limited structure of creaturely existence. This is the uniqueness of man. In all other areas of creation, essence determines existence. The limits and boundaries of every created object have been incorporated into its very essence and determine its life and destiny. The

human situation is entirely different for man's essential nature is contradictory, a combination of both creatureliness and godliness — creatureliness, which establishes the basic limits of human existence; godliness, which enables man to break through these limits in an attempt to overcome his essential creatureliness. Man is not divided against himself so that the essential man can be separated from the non-essential. The paradox of human existence is that man contradicts himself within the terms of his true essence of being both a creature and a bearer of the Divine image.⁵

With the creation of man on the sixth day, God's act of creation is completed, "And God saw everything that He had made, and behold, it was very good" (Genesis 1:31). Everything that God has created is equipped with all of the essential characteristics needed in the fulfillment of its destiny; everything has been allocated its specific place and limits. There is, however, one exception, for man, despite his createdness, still remains outside of the essential constraints of limits and boundaries. Man's role and destiny have not been determined by the Divine act of creation. In contrast to nature, the Divine-human relationship is not defined by preordained inevitability, for the meaning of human existence is not a matter of essential necessity, but, rather, the outcome of an ongoing encounter between man and God within the existential context of human life and history.

The garden of Eden narrative provides the symbolic, universal description of this encounter which constitutes the transition from essence to existence, from being created in the image of God to living in separation and alienation from God. The garden of Eden story is, therefore, the logical and necessary continuation of the creation account, for it provides the symbolic framework wherein the Divine human confrontation is actualized.⁶

5. The Biblical teaching that man was created in the image of God illustrates the duality of human existence. It emphasizes both man's creatureliness as well as his godliness. Man was, indeed, created in God's image, but an image always remains an image; it exists only by derivation. It is never the original, nor is it anything without the original. The *Imago Dei*, thereby, describes both the radical nature of man's creaturely dependence on God as well as his unique capacity to transcend this very state of creatureliness. The same can be said concerning man's dominion over the earth and other living creatures, which is a sign of man's capacity to rise above nature. This ascendancy, however, is a God given power whose source is not to be found in man. Once again, the emphasis is on man's creaturely dependence as well as his godlike transcendence.

6. This transition from essence to existence, from Divine creation to earthly existence, is symbolically alluded to in the Biblical text itself, "These are the generations of heavens and earth when they were created" (Genesis 2:4A). This verse marks the end of the creation account where "heaven" takes precedence over "earth," and, therefore, precedes it in the text. The second part of the same verse, which introduces the garden of Eden story, continues with the words, "In the day that the Lord God made the earth and the heavens . . ." (Genesis 2:4B). Here "earth" precedes "heaven" for now it is man and his earthly existence

The world which God created was perfect and harmonious; the world which man experiences is imperfect and chaotic. The garden of Eden story is an attempt to explain how this caesura came about. In the middle of the garden and at the center of the narrative stands the Tree of the Knowledge of good and evil, and God's command not to eat thereof. Adam's subsequent act of disobedience divides the narrative into two separate parts, a "before" and an "after." This division is basic to an understanding of the story as a whole, for the "after," the existential estrangement of man from God, can be fully comprehended only in terms of the "before," the essential harmony of man and God.

The Biblical text provides an example of this original state of harmony in the episode of the choosing of a companion for Adam, which presents a symbolic portrayal of the basic relationships that pertained during the state of essential being which preceded Adam's act of disobedience. The choosing of a companion is described as an act of creating and naming: God creates but Adam completes the act of creation by naming the created object. God's activity is creative and generative; man's activity is naming and ordering. The act of creation consists not only in creating something which then exists, but, also, in defining the meaning and function of each created object. By naming the animals, man participates in the creative activity as he defines and orders the world which God has created. *Vis à vis* God the Creator, man remains a mere creature, but *vis à vis* the world, he is now God's partner in the act of creation. God and man are now engaged in two distinct yet complementary acts which, when taken together, constitute a unified act of Divine-human creativity.⁷

This act of Divine-human creativity receives its highest expression in the creation of woman. Once again, it is God who creates and man who names, but, here, man's naming is accompanied by his wholehearted acceptance of woman as his companion.⁸ "This at last is bone of my bone and flesh of my flesh; she shall be called woman because she was taken out of man" (Genesis 2:23). This verse describes the essential relationship between man and woman. It is with the creation of woman that man

which will be of primary concern. The focus has moved from heaven down to earth, from essence to existence.

7. Man's incorporation as God's partner in the creative activity is the logical, almost necessary outcome of God's radical separateness from the created world. God as Infinite Being remains outside of the world. It is through man, His image bearer, that God enters the finite constructs of human and earthly existence. The relationship between God and man becomes one of mutual reciprocity and interdependence. Man needs God as the transcendent center which gives ultimate meaning to human existence. God needs man as the instrument through which the Divine purpose of creation will be actualized within the context of human existence and history.

8. This act of Divine-human creativity provides an important insight into the nature of human relationships. God alone can not determine the companion suitable for man. There is true community only where man accepts his companion in a free decision; man, himself, must say whether or not the partner is the right one.

becomes a whole and complete being, for human life attains its full potentiality only in community. "Then the Lord God said, 'It is not good that man should be alone'" (Genesis 2:18). Solitariness contradicts the basic meaning of human existence; from the beginning, the human being is one who lives in community with another. Man and woman are two separate beings who have derived from one, and are destined to fuse into one. "Therefore a man leaves his father and mother and cleaves to his wife and they become one flesh" (Genesis 2:24). This return to the state of original oneness expresses the depth and seriousness of belonging to one another which is the basis of the symbiotic relatedness of man and woman.

Man in partnership with God, and man in community with woman are the two basic relationships which determine the essence of human existence.⁹ The statement, "It is not good that man should be alone" applies not only to man's need for woman, but also alludes to man's need for God. The essential nature of human existence can not be realized in solitude and isolation. Separation from God and from his fellow human being is a denial of man's basic humanness. According to the Biblical teaching, man was created to live for God within the context of human companionship and community. Man needs both God and his fellow human being in order to actualize his God-given potential.

The narrative concerning the choosing of a companion for man not only defines the essential relationships which existed prior to Adam's act of disobedience, but also places them within a fixed hierarchy of authority, an hierarchical ladder which moves from heaven down to earth: from God the Creator to man, followed by woman, animals and, lastly, plants and vegetation. Everything has been assigned its proper place on this ladder of hierarchical descendancy. The overall picture is one of partnership, community and harmony among God, man and woman, animals, and nature.¹⁰

This state of essential harmony is expressed allegorically in the words, "And the man and woman were both naked, and were not ashamed" (Genesis 2:25). This verse, which concludes the second creation account, is analogous to the statement, "And God saw everything that He had made and, behold, it was very good" (Genesis 1:31), which marks the end of the first creation story. There, it affirms God's judgment con-

9. It is interesting to note that just as the man-God relationship derives from man being created in the likeness of God, so the man-woman relationship also derives from woman being created out of man. Likeness is the basis for both partnership and community.

10. Man's relatedness to nature is symbolically expressed in the portrayal of man being formed out of the earth. Man's origin is in a piece of earth and his bond with the earth belongs to his essential nature. Man derives his being from the earth and fulfills his destiny on earth. Likewise, man's relation to the animals is affirmed by the Biblical teaching that both man and animals are formed out of the same earthly source. They share the same original substance and, such is the basic affinity between man and other living creatures that the text even goes so far as to raise the possibility of man finding a suitable companion from among the animals.

cerning the overall “goodness” of creation; here, it affirms man’s and woman’s sense of oneness and harmony within creation. God’s judgment and man’s experience coincide in proclaiming the perfection and harmony which existed prior to man’s eating of the Tree of the Knowledge of good and evil.

The stage is now set for the drama of disobedience. The characters have been introduced: the God who commands, the plants which supply the symbol of disobedience, the animal kingdom which provides the deception and inducement, and the human beings who disobey. All the strata of creation, from the highest to the lowest, participate in the act of disobedience and are involved in the consequences of defection.

It is important to note that God’s command concerning the trees in the garden has both a positive as well as a negative content. “And the Lord God commanded the man saying, ‘You may fully eat of every tree of the garden; but of the Tree of the Knowledge of good and evil you shall not eat, for on the day that you eat of it you shall die’” (Genesis 2:16-17). Permission and prohibition are connected in a Divine command whose purpose is to establish the limits of human existence. One command describes the opposites that can result from the same act. One act can lead either to life or to death; the difference lies in man’s willingness to accept or reject the limit set by the God who commands.

On the one hand, there is life which emanates from God and is lived in the presence of God. It is a life of unity, harmony and fulfillment where differentiation and distinction do not lead to conflict and alienation, where dominion does not result in oppression. It is a life lived within an hierarchy of harmony based on obedience and trust in God. On the other hand, there is death which signifies discord, conflict and estrangement, the disintegration of the original harmony which existed between man and God. It is the death which results when man replaces God as the center of his life and existence.

The purpose of the Divine prohibition is not to deprive man of any specific acquisition such as knowledge, consciousness, moral judgment, or sexual awareness, but, rather, to establish the boundaries of human existence. In the creation account in Chapter 1, God has set limits for all the objects of creation except for man; man is the only created object who still remains outside of the Divine constraint of limitation. The final stage in the process of creation now takes place in the garden of Eden, where God attempts to define the limits of human existence through the imperative of command. Through His word, God created the world; through His command, God now sets limits to the supreme object of His creation.

The Divine command in its entirety does not say “no” but, rather, “up to here,” for man is, indeed, destined to actualize his God-given qualities of creativity, freedom and dominion, but only within the Divinely appointed parameters of finiteness and creatureliness. The statement, “For on the day that you eat of it you shall die” is not a threat of death, but

the setting of the ultimate limit to human existence which is the inevitable corollary to man's creaturely status. This is the symbolic line which God has drawn around the Tree of the Knowledge of good and evil; this is the limit which man is unwilling, perhaps unable, to accept.

The establishing of Divine limits to human existence is symbolically expressed in the form of a command for which no reason is given. The incomprehensibility of the prohibition places the burden of acceptance or rejection entirely on the shoulders of man. The unexplained command can only be listened to and obeyed if man has complete trust and confidence in the God who commands. At this juncture of Divine command and human response, a new stage in the Divine-human relationship has been arrived at. God does not intend to impose His will upon man, for then man would be something other than the image-bearing partner whom God has created. The relationship of man to God is to be determined within the parameters of command and response. By reacting to the Divine command, man places himself in either a positive or negative position to Him who commands. The freedom in this relationship derives from the command itself; without the command, there would be no freedom. God's prohibition testifies to the freedom which man has to determine his own destiny. In contrast to nature, where destiny is characterized by necessity, man possesses the ability to structure his own destiny based on his freedom to accept or reject the limits of God's command.

Man is endowed with freedom, but a freedom which is limited by finiteness. All of the human potential which is embodied in this freedom is limited by man's creatureliness. It is between the poles of freedom and finiteness that man encounters God and works out his destiny as an image-bearing creature. Symbolically speaking, it is the image of God in man which provides the possibility of disobedience. Only man who is created in the image of God has the ability to separate himself from God. Man's greatness is also his weakness; the God-given freedom enables man to respond to the Divine command, either in obedience or disobedience.

The act of disobedience and separation begins with a question raised by the serpent.¹¹ "Did God say, 'You shall not eat of any tree of the garden'?" (Genesis 3:1). After the woman's response, which is a repetition of the Divine command with the added prohibition of touching the tree, the serpent responds with the statement, "You will not die. For God knows that when you eat of it your eyes will be opened, and you will be like God, knowing good and evil" (Genesis 3:4-5). The serpent's words accomplish

11. Regarding the serpent, it is almost impossible to ascertain the original meaning and representation of this creature. Perhaps the intent of the narrative was to introduce, through the serpent symbol, an alternative source of wisdom and life opposite to that provided by God in the trees of knowledge and life. Be that as it may, there are two assertions regarding the serpent which can be derived from the text. One, that the serpent is a creature of God with no independent power or authority, and two, that in the context of the story, what the serpent says is of considerably more importance than what the serpent is.

their seductive purpose by simultaneously raising doubt as to the content of God's command as well as suspicion regarding the intent of the Commander. The question presents the possibility that man can go beyond the command of God and determine by himself what it is; that man can become the independent arbiter of God's word rather than the obedient executer; that man can replace God as the center of his being.

The words "and you will be like God" are an accurate description of man's unwillingness to acknowledge the finiteness and creatureliness which are the limits of human existence. Eating from the Tree of Knowledge is the symbolic expression of man's desire to cross over the line which separates man from God, creature from Creator.¹² Through disobedience, man separates his will from the will of God as he seeks to become Lord and Master of his destiny, thereby replacing God as the source of ultimate knowledge and authority. Man wishes to equate his partial knowledge with ultimate knowledge, his limited goodness with infinite goodness, and his relative truth with absolute truth.

Eating from the Tree of Knowledge disrupts the original state of harmony which existed between man and God. The narrative describes in detail how the act of disobedience derives from a reversal of the original hierarchy of authority established by God in the act of creation. By placing the initiative in the hands of the serpent, then of the woman and, lastly, of man, the narrative clearly shows that the essential hierarchy of creation has broken down. Man has abdicated his original position of authority over the woman and the animal kingdom. Paradoxically, man seeks Divinity by surrendering his humanity. By connecting the rejection of Divine authority to a prior act of submission to animal authority, the

12. Various Rabbinical sources refer to the possibility of man's overstepping the limits of his creatureliness. Rashi in his commentary on the verse, "It is not good that man should be alone" (Genesis 2:18), provides an unusual reason for God's creating a partner for man. He writes, "So that it should not be said that there are two governing powers in the universe: God who is alone in the upper world and has no partner, and man who is alone in the lower world and has no partner." Had man remained without a partner, the equilibrium of creation would have been destroyed and man would have made himself into a God (Rashi, Commentary on the Bible, Genesis 2:18).

A Midrash on the verse, "Let us make man in our image . . ." (Genesis 1:26) states, "When God created man, the angels mistook him for God and wished to address him as 'Holy'. What did God do? He caused a deep sleep to fall upon him, and all realized that he was only a man" (Midrash Genesis *Raba* chap. 8, sec. 10). A similar idea is expressed by a number of modern commentators. Umberto Cassuto, in his interpretation of the verse, "till you return to the ground for out of it you were taken" (Genesis 3:19), says, "You wished to be like God and to transcend the status of earthly creature, but you must not forget that although you were created in the Divine image, your body was derived from the ground, and everything in nature must return in the end to its original source" (U. Cassuto, *A Commentary on the Book of Genesis*, p. 169). Benno Jacob, in his commentary on the Tree of Knowledge states, "Man is given a prohibition that he may know he is not God and has a Master. The prohibition is a borderline which man shall not cross" (B. Jacob, *The First Book of the Bible, Genesis*, p. 19).

narrative succeeds in pointing to the basic absurdity of man's striving to equate himself with God.

Those writers who have interpreted the act of disobedience as one of rebellion against God have been influenced more by the fruitfulness of their imagination than by the substance of the narrative. Adam is far removed from the rebel or tragic hero who is driven by some uncontrollable passion or hubris to overreach his mortal limits and contend with the gods. Adam can actually be considered as the prototype of the antihero who, in passivity and through the most mundane of human activities — eating — follows his woman without hesitation or question. Unlike the tragic hero, Adam acts not out of greatness and strength, but out of naivete and gullibility; he is no longer the acting agent, but the acted-upon object. Man, who was once an active partner in creation, now becomes a passive accomplice in disobedience.

God, however, refuses to accept this reversal in the order of creation and reverts to the original hierarchical scheme when He addresses the perpetrators of disobedience: first man, then woman and, lastly, the serpent. In this way, God not only reinstates the original hierarchy but also reminds man and woman that relinquishment of authority does not mean abdication of responsibility before God. It is interesting to note that, in the allocation of punishment, God returns to the corrupted sequence of serpent, woman and man, for it is only fitting that the pronouncements of punishment should follow the order of disobedience.

Man and woman eat from the Tree of Knowledge and achieve, not equality with God, but a knowledge which, heretofore, has been the exclusive prerogative of God, the knowledge of good and evil. They gain not a specific kind of knowledge, but a recognition of the duality and oppositeness which exist in all of creation. Good and evil denote the ultimate categories for the division which is inherent in every aspect of human life and reality. Man, indeed, becomes like God, knowing good and evil, but, whereas God who created the opposites of existence transcends them in the absolute and undivided unity of His being, man, who is only a part of creation, incorporates them into the very essence of his life. As a creaturely and finite being, man can neither transcend nor encompass the opposites of existence; he assimilates them and, thereby, becomes a being divided and separated within himself and within the world. Through his knowledge of good and evil, man becomes a divided self living in a divided world. The harmony and order of creation are torn apart as knowledge of the oppositeness and division of existence replaces the wholeness and unity of essential being. The original bond of unity between man and God which had previously encompassed the distinctions and differences of being is now broken, with the result that essential harmony becomes existential separation and alienation. This is the unbearable burden of godly knowledge that man must, henceforth, sustain in all his creaturely and finite existence. It is the knowledge which

divides and separates, and engenders feelings of shame, fear and hostility, for man can no longer relate to himself and the world out of his original sense of oneness and unity. This is the knowledge that God wished to withhold from man, not out of jealousy and envy, but out of concern and compassion for mankind.

Prior to eating from the Tree of Knowledge, man and woman are naked and unashamed, for they live within the essential harmony of creation where difference and distinction are not recognized as division or oppositeness. There, nakedness expresses the unbroken unity of living in the presence of God and in community with one's fellow human being. Having eaten the fruit, their nakedness becomes a source of shame. "Then the eyes of both were opened, and they knew that they were naked; and they sewed fig leaves together and made themselves aprons" (Genesis 3:7). Shame emerges out of the knowledge of the oppositeness which exists in man and in the world. As a divided being living in a divided world, man can see the other only as distinct from, and in opposition to, himself. In the world of division, man no longer lives in union with, but in separation from — in separation from one's fellow human who is no longer seen as part of oneself; in separation from God who is no longer the center of one's being; in separation from nature and the animal world which are now viewed in hostility and adversity. Covering themselves is the human reaction to a world split into good and evil.

The story now moves from human disobedience to Divine punishment, as God who, up to now, has been conspicuously absent reenters the narrative with a question. Both the disobedience and the punishment scenes begin with a question, but, whereas the serpent's question corrupts the original relationship between God and man, God's question reinstates the Divine-human dialogue. Man in fear and shame runs away and hides; God in concern and compassion seeks out man and addresses him. The first step towards reconciliation is taken by God. The question, "Where are you?," is more the extending of a helping hand than the pointing of an accusing finger.

The punishment account fulfills a dual purpose. Firstly, it provides a description of the changes which have taken place as a result of man's eating from the Tree of Knowledge. The basic relationships which govern man's existence are radically altered as all aspects of creation are now drawn into the categories of division and oppositeness. The original bond of unity which encompassed humanity, animals and nature degenerates into a state of perpetual enmity, tension and conflict. The primeval hierarchy of harmony becomes a hierarchy of domination and submission. This is the reality of human life in the world of divided existence; it is the heavy price which man pays for eating from the Tree of Knowledge.

The punishment narrative fulfills an additional purpose as it brings into sharp focus the very limits of human existence which man and woman sought to overcome in their act of disobedience. The pronounce-

ments of punishment are not Divine dictates which assign misery and suffering to man, but a description of the limits and boundaries which are inherent in human existence. Man and woman who refused to accept their creaturely status are made painfully aware of the finiteness and imperfection of human life. The narrative singles out those very areas of human activity which most closely approximate Divine creativity — childbirth and productiveness — as the areas where mankind will be constantly aware of its finite, creaturely status. Woman in childbirth and man in work will continue to create and fashion life, but only out of the pain and suffering which are an inevitable part of the human condition. The words, “in pain you shall bring forth children” and “in suffering you shall eat of it” express the pain and suffering which accompany all human creative activity and serve as a constant reminder of the imperfection of human endeavor. Man, despite his greatest strivings and accomplishments, will always remain a finite, imperfect creature bound to, and limited by, the earth from which he was formed. “In the sweat of your face you shall eat bread till you return to the ground for out of it you were taken; you are dust and to dust you shall return” (Genesis 3:19). These words emphasize the enormous gap which exists between God the Creator and man the creature. Both in origin and in destiny, humanity belongs to the dust. Man, in every aspect of his being, will always remain limited and conditioned by the fact that he has been made from dust and must return to dust. This is the ultimate, inescapable limit of human existence. Man always remains creature, never Creator.

The pronouncements of punishment describe the limitations and separations of human existence. The total picture, however, is not one of unmitigated despair, for the punishment scene is immediately followed by two acts, one human, the other Divine, which, when taken together, constitute the beginnings of a new relationship between man and God. “The man called his wife’s name Eve, because she was the mother of all living. And the Lord God made for Adam and his wife garments of skin, and clothed them” (Genesis 3:20-21). Man reacts to God’s judgment not out of despair, anger or defiance, but, rather, through an act which expresses acceptance, continuity and hope. The name Eve, “mother of all living,” symbolically affirms man’s acceptance of earthly life despite all of the changes which have radically distorted the shape and content of human existence. Paradoxically, Eve, the mother of disobedience, is also the source of life. Man and woman have turned away from God but they still possess God’s original blessing of procreation, the life-giving power which is effective into the future, and affirms the basic continuity and preservation of life. Human existence, despite its imperfections and limitations, despite its alienation and separation, can still be lived in relationship to God. Man alienated from God remains man created in the image of God; the image, although tarnished, remains intact.

Man’s act of affirmation is followed by God’s act of consideration. Prior to the expulsion from the garden, God, Himself, makes garments

for Adam and Eve and clothes them. Man, through disobedience, has distanced himself from God, but the separation is mitigated by God's act of concern and compassion. God judges and punishes, but He neither repudiates nor rejects man. The clothing of man and woman symbolizes God's acceptance of man as the imperfect, divided being that he now is. Man in fear and shame can no longer stand before God in the original bond of unity. The results of disobedience can not be erased or eradicated; they can, however, be borne with dignity and acceptance, for the God who has exposed man's weakness now covers his nakedness. Adam and Eve expelled from the garden still remain God's children for whom He cares and whom He protects. Man's act of naming, combined with God's act of clothing, constitute the beginning of Divine-human reconciliation. The relationship between man and God has been radically altered but it has not been destroyed.

At this point, the narrative reintroduces the Tree of Life, which has not been mentioned since the beginning of the story. "Then the Lord God said, 'Behold, the man has become like one of us, knowing good and evil; and now, lest he put forth his hand and take also of the Tree of Life, and eat, and live for ever' — therefore the Lord God sent him forth from the garden of Eden, to till the ground from which he was taken" (Genesis 3:22-23). At first glance, these verses would appear to confirm the serpent's prediction that man will become like God, and his insinuation that God is acting out of jealousy. This apparent meaning, however, does not comply with the events which follow from the act of disobedience, where man, far from achieving Divinity, is confirmed in all his earthly, creaturely humanity. Man as finite creature is neither a threat to God's authority nor an object worthy of Divine envy. The knowledge of good and evil which man acquires is of an entirely human, not a Divine, nature, and immerses man into a life of division and alienation. It is within this context that the separation of man from the Tree of Life should be understood. The inaccessibility of the Tree of Life symbolizes the inevitability of death which marks not only the end of life but also the end of suffering. Paradoxically, death is both punishment and comfort. As punishment, it defines the irrevocable limit to human existence; as comfort, it signifies the end of a life of estrangement and alienation, a life which, if stretched into eternity, would prove unbearable. Death is, perhaps, God's ultimate consolation to man, the knowledge that the suffering and alienation of human existence are neither endless nor eternal.

With the expulsion, the garden of Eden story ends and the history of mankind begins. The Creation/garden of Eden prolegomenon has set the stage upon which the drama of human history will unfold within the parameters of Divine command and human response. The Biblical narrative will portray mankind's progressive descent into an abyss of rebellion and destruction out of which God will raise a people to stand before Him in Divine-human reconciliation. The journey which began at Eden now moves, slowly but inevitably, towards Sinai.

The Holiness of Man

YITZHAK OF RADVIL

Translated, with an introduction, by Samuel H. Dresner.

Introduction:

When Hasidic teachings began to be circulated in the mid-Eighteenth Century, they stirred up a sense of spiritual excitement and renewal in an atmosphere of halakhic tendentiousness and spiritual melancholy. One of the new notes struck in Hasidic sources is the celebration of man, his glory and his power. A striking example of this is found in the selection below, which gives a surprising explanation to the well-known passage from the Passover Haggadah, "In every generation we are obliged to see ourselves as if having been redeemed from Egypt." The author uses it to draw the lesson of the identity of the soul of man and God. To find God, we need but "see ourselves" aright. The episodes of Siani and Exodus are cited with striking effect. The passage — bold even to twentieth century readers — may aid us in understanding why some Jews abandoned their former pattern of life and attached themselves to the new Hasidic leaders.

The author is Yitzhak of Radvil, one of the five sons of Mikhel of Zlotzhov, the noted disciple of the Baal Shem Tov, and grandson of Yitzhak of Drobbitch (after whom he was named).¹

The author of the Haggadah writes:

In every generation we must see ourselves as having been redeemed from Egypt.

Now, my brothers, there is a profound mystery in this passage which we can explore by considering the difficulties which the text presents: (1) What is meant by the admonition "to see ourselves as having been redeemed from Egypt"? Is it possible to imagine that we could in any way parallel the experience of our fathers at the time of the redemption? (2) The words "see ourselves" appear superfluous. It were better simply to have written, "we should feel as if we had gone out from Egypt."

But [beginning with question 2], "seeing" has a special intention. For example, when Israel stood at Mount Sinai to receive the Torah, Scripture says, "And all the people saw the thunders" (Exodus 20.13), which Rashi explains to mean, "They saw that which was to be heard, and heard

1. For Yitzhak of Drobbitch, see the chapter on him in A. J. Heschel, *The Circle of The Baal Shem Tov*, and for Yitzhak of Radvil see R. Schatz-Uffenheimer, *Quietistic Elements In 18th Century Hasidic Thought*, index.

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that which was to be seen.” And this was possible because, at that moment, they were cleansed of the residue from the sin of Adam, so that they were but holy souls, and the soul in its holiness is [of] God, may He be blessed (*Haneshamah hakedoshah hi elohuto yitbarakh*). Thus Scripture can say, “And they *saw* the God of Israel” (Ex. 24.10).

If this be so, what, then, of the [apparently contradictory] verse, “No man shall see my face and live” (Ex. 33.20); and what, further, of the passage from the Zohar, “There is not one who knows You at all”? The answer is that it is only the “essence” of man which knows the divine. For, while [corporeal] man can never see or even hear the voice of the Lord, the soul in its holiness, stripped of corporeality, is itself divine [*hi azmuto yitbarakh*] and can perceive the divine [*azmuto yitbarakh*]. (For him who understands, this must suffice.)

Therefore, when they stood at Mount Sinai as nothing but souls, they were able to “see themselves,” which is to say, they saw that their essence was identical with the God of Israel (*Rau et azmam sheheim azmut Elohey Yisrael yitbarakh*). This is what they “saw”.

And [regarding the Exodus from Egypt], it is said [in the evening service],

Thy children saw Thy sovereignty, as Thou didst split the sea before Moses.
“This is my God,” they responded, declaring, “The Lord shall reign for ever and ever.”

When the Lord split the sea before Moses, the glory of God’s sovereignty was revealed to Moses, because there was no separating curtain of corporeality between them. It was then they recognized that they were, in fact, “Thy children” (*Rau sheheim banekha*) that is, that they were themselves truly of His substance, as the child is of the substance of the father . . . (For him who understands, this must suffice.)

“‘This is my God’, they responded.” [By spelling it with an *aleph* instead of an *ayin*, the Hebrew for “responded” — *anu* — can be read:] “We”. Which gives us: “This is my God — we ourselves!” (*Ze Eli, anu . . . Anu b’azmenu, ze Eli!*). (For him who understands, this must suffice.)

([Should you be troubled by] Job 19:26, “From my flesh I shall see God,” [understand that it] does not mean bodily vision — which is the intention of the verse, “man [i.e. corporeal man] shall not see me and live” . . . but, rather, spiritual vision [See Zohar I 94a], which has the capacity of perceiving one’s divine essence. [For him who understands, this must suffice.]

Now we can know why the author of the Haggadah adds the words, “to see ourselves,” namely, that in our service of the Lord we strip away all fleshly desire, so that we may comprehend that our true essence is identical with God.

It is for this reason that we are told in the Haggadah “to see ourselves as if having gone out of Egypt,” [that is, to grasp the true nobility of man,

as our forefathers did at the time of the exodus]. Just as, when they departed Egypt, our fathers, because they were purified of the sin of Adam, perceived their essence to be the substance of God (*ra-u et azmam sheheim azmuto yitbarakh*), so are we obliged to do in every generation: to see ourselves as if we, too, had gone out of Egypt. (Abridged, for you should understand that these matters are profound indeed.)

Lot's Wife

FLORENCE B. FREEDMAN

Lot's wife had no first name.
She was only Mrs. Lot.

In Sodom and Gomorrah, she had been the wife
Of the only righteous man —
A woman of distinction.

What would she be now
When they settled among the righteous?

Hesitating, she looked back
At the burning cities
And turned into a monument
Of petrified tears.

Who would remember Lot today
If not for her?

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Tragelaphos Revisited: the Anomaly of Woman in the Mishnah

JUDITH ROMNEY WEGNER

THIS PAPER DISCUSSES THE ANOMALOUS status of women in the system of the Mishnah. A comparison of the Mishnah's treatment of women with its treatment of a mythical beast called the *koy* reveals an interesting analogy. Just as the sages had problems in classifying biological hybrids, so they had problems with their taxonomy of women, whom they perceived as a legal hybrid — sometimes person and sometimes chattel, depending on context.

Hybrids and Mixtures

An obscure passage in tractate *Bikkurim* (M. *Bik.* 2:8-11) speaks of a mythical beast, the *koy*, which the Babylonian Talmud describes as the offspring of a goat and a gazelle — that is, of a domestic animal and a wild beast (B. *Hul.* 79b). Jastrow (pp. 618-9) defines the *koy* as “a kind of bearded deer or antelope.” But whatever its precise nature, one thing is abundantly clear: the Mishnah introduces the *koy* as a paradigm for hybrids and the problem of their classification.

The figure of the hybrid, in its turn, is really a metaphor for a larger underlying problem: the Mishnah's obsession with marginal phenomena and its abhorrence of mixtures. This antipathy, stemming partly from the sages' sense of cosmic order and partly from their penchant for dichotomous thought, appears throughout the Mishnah as a preoccupation with the dividing line between a given category and its polar opposite. The sages consider it axiomatic that such a line can be located and must be drawn. But here the *koy* presents a serious problem:

The *koy* in some things is like wild animals and in some things is like cattle; and in some things it is like both cattle and wild animals; and in some things it is like neither cattle nor wild animals (M. *Bik.* 2:8).

They go on to specify when the *koy* shall be treated as falling into one or other of the two opposed categories, when it falls into neither, and when it falls into both. The *koy* resembles a wild beast in being subject to the rules of carrion (Lev. 7:24), but resembles cattle in that certain portions must be offered to the priest (Deut. 18:3). It is like neither a wild nor a domestic animal in that it may not be yoked with either to pull a plough

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(Deut. 22:10), and it is like both in being subject to the laws of ritual slaughter (Deut. 12:21).

The Mishnah is not interested in the *koy* for its own sake. For one thing, it is merely a mythical beast. For another, the context itself reveals the sages' purpose. The passage appears at the end of chapter two of tractate *Bikkurim*, which is mainly concerned with the correct classification of cultic offerings. So the discussion of the *koy* that concludes the chapter represents simply a mishnaic exercise in taxonomy, specifically in how to handle mixtures.¹

The *koy* exhibits two significant features: its hybrid character and its correspondence to a similar creature found lurking in classical Greek logic. Given the Mishnah's concern with hybrids, its choice of the *koy* as paradigm is no accident. The *koy* is the mishnaic parallel to the Greek *tragelaphos* (*tragos*, goat + *elaphos*, stag) as a metaphor for hybridism. *Tragelaphos*, known to the Greeks from its depiction on oriental carpets,² appears in several sources, including Plato and Aristotle.³ As with the *koy*, the significant feature of *tragelaphos* is that it represents a mixture. Its interest for Greek philosophers lay partly in a dispute about the epistemological value of a non-existent object and partly in the intrinsically disturbing character of hybridism. It is the latter aspect that concerns us here. Plato calls the creature a "composite monster."⁴ To the Greeks (as later to the sages of the Mishnah) compositeness was monstrous in and of itself, because it constituted an anomaly that fell into no established taxon. *Tragelaphos* became a metaphor for the assertion that hybridism — whether literal or figurative — should not be permitted in practice because it was unacceptable in principle. Logical argument depended on the use of analogy and contrast, which, in turn, required the assurance that things could be fitted neatly into clearly-defined, non-overlapping categories.

Thinking in dichotomies was not indigenous to hellenistic culture alone. The tendency is well attested in pre-hellenic texts of the Hebrew Bible. In Gen. 8:22 we have God's promise that "*so long as the earth endures, seedtime and harvest, cold and heat, summer and winter, day and night, shall not cease.*" Dichotomous logic prevails in many primitive cultures, as demonstrated by structural anthropologists like Levi-Strauss and Turner,⁵

1. See also M. Naz. 5:7, M. Hul. 6:1 and M. Bek. 1:5, which likewise mention the *koy* in the context of its doubtful classification.

2. "*Tragelaphos*: the goat-stag, as the Greeks called a fantastic animal, represented on Eastern carpets and the like." Liddell & Scott, *A Greek-English Lexicon* (9th ed., 1968), p. 1510, s.v. *Tragelaphos*.

3. See Plato, *Republic*, 6:488a; Aristotle, *Analytica Priora*, 1:38,2; *Analytica Posteriora*, 2.7,2; *De Interpretatione*, 16a,16.

4. "... a goat-stag or other such composite monster." F.M. Cornford, translating *tragelaphos kai ta toiauta mignuntes graphousi* [Plato, *Republic* 6:488a] (Oxford: Clarendon Press, 1941), p. 195.

5. Claude Levi-Strauss, *Myth and Meaning* (1978), pp. 22-23. Victor Turner, *The Ritual Process* (1969), p. 106.

though it is by no means a universal phenomenon. Oriental cosmologies, like Hinduism and Buddhism, stress the unity of the cosmos and blur the lines dividing polar opposites.⁶ But the Greeks harped on hybrids more than did most peoples of antiquity, as witness their morbid fascination with goat-stags, sirens and centaurs, and their predilection for the man-god or god-man born of the union of divine males and mortal females.

The appropriation of *tragelaphos* by the framers of the Mishnah in Greco-Roman Palestine illustrates their propensity for applying hellenistic thought-patterns to hebraic concerns. We see this above all in the Mishnah's version of "the Greek penchant for combining symmetry with alternatives,"⁷ the aspect of Greek logic that most strongly influenced the mishnaic system of taxonomy. Not only must all phenomena in principle be classified as X or not-X; their inclusion in, or exclusion from, category X endows them with all the attributes of X or the diametrically-opposed qualities, as the case may be. Between X and not-X there can be no middle ground whose blurred boundaries encompass monstrosities that look like X and not-X at once. The law of the excluded middle "enounces that condition of thought which compels us, of two repugnant notions, which cannot both coexist, to think either the one or the other as existing."⁸

Hybrids evoke the same fascination in mishnaic sages as in Greek logicians. The sages devote much intellectual energy to marginal phenomena like the classification of mixtures, and the *koy* forms the paradigm for this concern. Like *tragelaphos*, it is a mythical beast, which can neither exist logically nor subsist biologically — the sterility of the mule registers nature's disapproval of crossing a horse with an ass. And nature's disapproval is echoed in the fear that led many cultures to erect taboos around "composite monsters." Mixtures were abhorrent to the biblical Israelites centuries before the framers of the Mishnah focused on them. One need only point to the "abominations of Leviticus" (to borrow Mary Douglas' felicitous phrase)⁹ which include creatures not readily classifiable as fish, flesh or fowl (Leviticus 11, Deuteronomy 14), linsey-woolsey cloth combining yarn from animal and vegetable sources, diverse seeds sown together in a field, and offspring produced by mating different species of cattle (Lev. 19:19). The Israelite aversion to hybrids may (following a recent suggestion by Shaye Cohen)¹⁰ partly account for Ezra's ban on miscegenation between Israelites as the in-group and gentiles as the out-group, and even (following an incisive insight of Jean Soler)¹¹ for the

6. See, for instance, Heinrich Zimmer, *Myths and Symbols in Indian Art and Civilization* (1946); Shunryu Suzuki, *Zen Mind, Beginner's Mind* (1970).

7. Sarah Pomeroy, *Goddesses, Whores, Wives and Slaves: Women in Classical Antiquity* (1975), p. 25.

8. William Hamilton, *Logic* (1860), vol. I, p. 83.

9. Mary Douglas, *Purity and Danger* (1966), pp. 41-57.

10. Shaye J.D. Cohen, "The Origins of the Matrilineal Principle in Rabbinic Law," *AJS Review*, vol. 10 (1985):19-53, at p. 46-48.

11. "The Dietary Prohibitions of the Hebrews," *New York Review of Books*, June 14, 1979.

Jews' rejection of the divinity of Jesus, who, as god-man, represented the ultimate in unacceptable hybrids.

The Koy and the Woman

What has all this to do with "the anomaly of woman in the Mishnah"? It turns out that the problem of the hybrid sheds much light on the mishnaic taxonomy of women — in particular on their legal status and level of personhood. As I shall demonstrate, the sages chose to perceive woman sometimes as *person* and sometimes as *chattel*, depending on context, and to treat her accordingly. Actually, we find a "chicken-and-egg" problem, in which the sages' treatment of women may bear two possible interpretations. At first sight, the rejection of hybrids in principle makes it impossible to locate women consistently in a system where they occupy, both literally and figuratively, a "no-man's-land." In the Mishnah, woman stands on middle ground between two clearly-defined polarities of chattel on the one hand and person on the other. Viewed as human being, woman is *like* a man, hence a person (though not necessarily a man's equal).¹² Viewed as female, however, she is *unlike* the male, hence, by the sages' logic, not a person. Feminist theoreticians, following Simone de Beauvoir, have pointed out that the same dichotomy inheres in the Aristotelian view of the male as the absolute type of humankind, while the woman becomes an aberration, an anomaly, an Other.¹³ In the mishnaic system, this ambivalence sometimes reduces woman from the status of person to the status of chattel, and in one highly important context, as we shall see, her otherness results in her exclusion from men's world altogether.

On second thought, however, we can argue that the sages were not the slaves of their system but its masters. If so, we must conclude that they applied the logic of the *koy* to the woman not because they had to but because it suited them. Though surely aware that woman is not a *biological* hybrid, they clearly considered her a *logical* anomaly.¹⁴ Their solution was to handle her exactly like the *koy*. Following the model of *M. Bik. 2:8*, the sages sometimes treat woman as person and sometimes as chattel; in some

12. Legal dictionaries define personhood as the totality of an individual's rights and responsibilities within a given legal system. Hence one can postulate different levels of personhood, depending on the relative balance between an individual's entitlements, on the one hand, and his or her obligations on the other. The fact that in many systems women have fewer rights than men does not mean that those systems do not perceive women as persons, but only that their level of personhood is lower than that of men.

13. *The Second Sex* (*Le Deuxième Sexe*, 1949, tr. H.M. Parshley, 1953 (Vintage ed. 1974), pp. xxvii-xxviii.

14. The anomalous character of woman in the Mishnah is discussed by Jacob Neusner, *Method and Meaning in Ancient Judaism* (1979), pp. 96-97, citing the work of Simone de Beauvoir and Michelle Zimbalist Rosaldo on woman as anomaly.

cases they treat her as both at once, and in one context they treat her as neither, thus obviating the need to consider her at all.

Close scrutiny of mishnaic rules governing women in different situations uncovers varying levels of legal status, ranging from pure chattel at one end of the scale to almost full person at the other. A woman sometimes appears as an object with no legal entitlements or obligations, and sometimes as an individual with rights, duties and powers closely resembling (though not always equal to) those of the free, adult, Israelite male who constitutes the yardstick of mishnaic personhood. This constant fluctuation between the status of chattel and person reflects the sages' refusal to classify woman as wholly the one or wholly the other. At the same time, they reject the possibility of creating a special category to accommodate her intermediate status. Instead, they focus alternately on the chattel-aspect or the person-aspect of the woman as occasion demands. Confronted by Hamilton's "two repugnant notions which cannot both coexist" the sages choose "to think either the one or the other as existing" — that is, to treat the woman either as chattel or as person depending on context.

The Sexuality Factor

How do the sages determine what a particular occasion demands? In the case of women, one overriding principle comes into play: I call it the "sexuality factor"¹⁵ and it operates in both the private and public domains of mishnaic culture. In the private domain of personal relations, "sexuality factor" means *the presence or absence of a legal relationship in which some man owns the exclusive right to use or dispose of a woman's biological function*. If such a relationship exists, the woman is legally subordinate to the man; if not, she is legally autonomous. In the public domain of Israelite culture, "sexuality factor" means simply *female gender*, which functions automatically to exclude women from the life of the mind and spirit developed by patriarchal mishnaic society.

Beginning with the private domain, let me briefly spell out the relationship between dependency, autonomy and sexuality.

The Mishnaic Taxonomy of Women

<i>Owner of biological function</i>	<i>Dependent Woman</i>	<i>Autonomous Woman</i>	<i>Owner of biological function</i>
father	minor daughter	adult daughter	herself
husband	wife	divorcee	herself
levir	levirate widow	widow	herself

15. This matter is fully presented in my book, *Chattel or Person? The Status of Woman in the Mishnah* (Oxford University Press, 1988).

As the chart shows, the Mishnah knows three kinds of legally dependent woman (minor daughter, wife, and levirate widow) and three kinds of autonomous woman (emancipated daughter, divorcee, and regular widow). The three autonomous women form mirror images of their three dependent counterparts, illustrating the Mishnah's adoption of the Greek "symmetry with alternatives." Furthermore, each significant feature of the dependent member of the pair has its polar opposite in her autonomous counterpart. A few examples will make this clear.

Starting with the first matched pair (minor daughter and adult daughter), the minor girl's marriage is arranged by her father (M. *Ket.* 4:4), she having no option in the matter,¹⁶ while the adult daughter, by contrast, makes her own matrimonial arrangements (M. *Qid.* 2:1).¹⁷ Damages for violation of a minor daughter go to her father (M. *Ket.* 4:1), while damages for violation of an adult daughter accrue to the woman herself (M. *Ket.* 3:6). The father can revoke all vows made by his minor daughter (M. *Ket.* 4:4), but cannot revoke the vows of a grown daughter (M. *Ned.* 10:2). Similarly with the second matched pair (wife and divorcee), a husband can revoke his wife's vows inimical to conjugal relations (M. *Ned.* 11:1, T. *Ned.* 7:1),¹⁸ but no man can revoke the vows of a divorcee (M. *Ned.* 11:9). Likewise, a husband can enforce his exclusive control of his wife's sexual and reproductive function by putting her to the ordeal on mere suspicion of infidelity (M. *Sot.* 1:1); but no man can restrict his divorcee's sexual choices after termination of marriage by making stipulations in the writ of divorce (M. *Git.* 9:1). Turning to the third matched pair (levirate widow and normal widow), in the case of the levirate widow we find that her husband's brother acquires use of her sexual function and control of her marriage portion (M. *Yeb.* 4:7); the normal widow, by contrast, not only can remarry at will but also controls her own property — and sometimes even that of others — by virtue of her lien for maintenance on the property of her husband's heirs (M. *Ket.* 4:12, 11:2).

16. So far as the Mishnah is concerned, the right of a minor daughter, betrothed in infancy, to reject the marriage at the time of her transfer to the husband at puberty belongs *only* to girls married off by their mothers or brothers (M. *Yeb.* 13:2).

17. In mishnaic law, a girl attains adulthood (and, if unmarried, becomes emancipated), at the age of twelve-and-a-half years and one day, the age at which a girl is presumed to have grown two pubic hairs (M. *Nid.* 7:11). This represents the addition of six months to the twelve years and one day specified in M. *Nid.* 5:6 as the age at which a girl becomes liable to keep her vows. However, we should note that the establishment of twelve-and-a-half years as the age of majority, while theoretically significant, has very little practical importance. Although girls in mishnaic times were often married off by their fathers at, or before, attaining majority, it is highly unlikely that a young girl still in her early teens would arrange her own marriage without her father's assistance, even though technically of age. We have no empirical data on the point.

18. See note 21 below.

How does the “sexuality factor” operate in these cases? A man with legal control of a woman’s sexuality owns a valuable property. To that extent — but *only* in that limited context — the woman is treated as his chattel. Thus, in arranging the marriage of his minor daughter, a father technically sells her virginity for brideprice.¹⁹ True, by mishnaic times the bridegroom no longer pays the father, but, instead, holds the brideprice along with the rest of the bride’s property, including dowry given by the father,²⁰ in trust for her during the subsistence of the marriage, as spelled out in the *ketubbah* or marriage deed.²¹ Nonetheless, the bridegroom has bought the right to receive a virgin bride; that is why he can at once claim damages if she is not intact (M. *Ket.* 1:1-2). In the same way, the father’s entitlement to collect damages from one who rapes or seduces his daughter (M. *Ket.* 4:1) rests on the fact that her reduced value on the marriage market leaves him out of pocket.

In the case of husband and wife, perception of the wife’s sexuality as her husband’s property accounts for the unilateral character of the mishnaic marriage ceremony (M. *Qid.* 1:1), with its formal resemblance to the acquisition of other kinds of property (M. *Qid.* 1:2-5). This interpretation also explains why a man can acquire a wife by formally declaring, “Lo, *you* are consecrated to *me*,” while no woman can acquire a husband by uttering the reverse formula, “Lo, *I* am consecrated to *you*” (T. *Qid.* 1:1). Likewise, a husband divorces his wife by executing a unilateral document (Deut. 24:1, M. *Yeb.* 14:1), which renounces his right to use her sexual function, while no corresponding unilateral procedure exists for the wife. The sexuality factor further explains why a husband who suspects his wife’s fidelity can suspend her rights of due process (and thereby her personhood) by putting her to the ordeal without producing the two witnesses needed for an actual charge of adultery (Num. 5:13, M. *Sot.* 1:2). Again, while a husband cannot arbitrarily revoke *any* vow that his wife chooses to make, mishnaic interpretation of biblical law empowers him to override vows that could impair the couple’s conjugal relations (M. *Ned.* 11:1ff).²² None of the foregoing rights of the husband is matched

19. To this day, this is reflected in the language of the *ketubbah* (marriage deed), in the bridegroom’s declaration to the bride: “I have given you the brideprice of your virginity, two hundred zuz.”

20. This switch in emphasis from brideprice to dowry may reflect socio-economic changes (such as greater difficulty in amassing the brideprice) that produced a larger supply of brides, relative to the demand, than was earlier the case.

21. The historical origins of the *ketubbah* are shrouded in obscurity. Tradition ascribes it to Simeon b. Shetah, a sage of the first century B.C. (B. *Ket.* 82b); its probable origins have been exhaustively discussed by M.J. Geller, “Some New Light on the Origins of the Rabbinic *Ketubah*,” *HUCA* vol. 49 (1978), pp. 227-245.

22. This point emerges from close analysis of M. *Nedarim*, chapter eleven, and is confirmed by an express statement in T. *Ned.* 7:1. The matter is fully spelled out in my book (note 15 above).

by a corresponding right of the wife, because while he owns the exclusive right to use her sexual function, the converse is not the case. In the polygynous culture of the Mishnah, even a monogamous husband may legally have sexual relations with other women, so long as they are not married to other men.

The case of the levirate widow rests on the same underlying assumptions. Perception of the widow's childbearing function as chattel emerges in its automatic inheritance (hence, willy-nilly, her acquisition in marriage) by her husband's brothers if the husband dies without heirs (M. *Yeb.* 4:1) and in other rules of levirate law too numerous to mention.

What does all of this add up to? In sum, the rules of marriage and divorce consistently demonstrate that women in the mishnaic system (though clearly perceived as persons in all other private contexts) will be treated as chattel *whenever this is necessary to establish or enforce the exclusive sexual rights of the man legally entitled to benefit from a woman's biological function.*

Woman as Person in the Mishnah

Given the patriarchal character of mishnaic society, these legal rules hardly evoke amazement. What may surprise us, though, is the extraordinary contrast between the chattel-status of the woman viewed as sexual or reproductive vessel and her far higher personal status in other transactions. For these same women, in all other areas of private law, are treated as *persons*. Indeed, they frequently possess legal rights closely approximating those of men. Thus, a wife participates in a reciprocal nexus of rights and duties between herself and her husband, performing strictly limited household tasks in return for maintenance at a carefully specified standard (M. *Ket.* 5:5, 5:8-9); spouses have mutual conjugal rights and duties (M. *Ket.* 5:6-7); a married woman retains title to her property, which she can actually sell (though only with her husband's approval, because of his interest in the usufruct) while her husband cannot sell it without her consent (M. *Git.* 5:6). The wife's rights include the power to appoint agents to transact her business (M. *Qid.* 2:1, M. *Git.* 6:1); to act as her husband's agent for certain purposes (M. *Ket.* 9:4); and even to take legal action against her husband — for instance, she may ask the *bet din* to compel him to divorce her for specified infringements of her rights (M. *Ket.* 7:1-5, 7:10).²³ Moreover, mishnaic law endorses draconian measures to force the husband's compliance with the court's order (including compulsion by gentile authorities (M. *Git.* 9:8). All in all, we can assert that the Mishnah treats the dependent woman as chattel *only when some man's exclusive*

23. As is well known, this theoretical power of the *bet din* lacks practical force to compel a contemporary Jewish husband to give a writ of divorce if he is determined, for whatever reason, to withhold it. Israeli law provides for the imprisonment of recalcitrant husbands — sometimes, however, to no avail.

right to her biological function is called in question; in all other respects, the law perceives and treats her as a person.

The Autonomous Woman in the Mishnah

The level of personhood of an autonomous woman (emancipated daughter, divorcee, or normal widow) is higher still. She controls *all* aspects of her private life. She can buy and sell property without impediment, engage in litigation (M. B.Q. 1:3, M. Ket. 2:1, 11:3); testify in court on specified matters (M. Ket. 1:6-7, 2:5-6); swear certain kinds of oaths (M. Shebu. 5:1, M. Ket. 9:4); and appoint agents to transact her business. Most significant of all, she makes her own marriage choices, because her sexuality belongs to no man but remains at her own disposal (M. Qid. 2:1).²⁴ Indeed, *legally* there is nothing to prevent her from choosing a life of prostitution — a fact reflected by the Mishnah's virtual silence on this topic, though to be sure the sages did not hold prostitutes in high esteem.²⁵ In short, *there is no area of private life in which the autonomous woman can be treated as chattel in the mishnaic system; unlike her dependent sister, she retains her rights of personhood in all circumstances.*

The Anomaly of Hybrid Status

Let us return to the woman and the *koy*. In laws governing the dependent woman, one feature in particular highlights her anomalous position in the law. This emerges when doubt arises about a woman's marital status because she has remarried on the strength of a writ of divorce later invalidated for technical error, or where a woman's husband reappears after she remarries in reliance on witnesses' reports of his death. These women incur dire penalties, including the loss of their matrimonial property both in the genuine first marriage and in the spurious second one (M. Git. 8:5, M. Yeb. 10:1). Why do the sages penalize so harshly a poor woman whose only crime is an innocent mistake?

The answer lies in the Mishnah's abhorrence of ambiguity. Ambiguity is functionally similar to anomaly because ambiguous objects, like anomalies in general, defy classification.²⁶ The putative widow or divorcee looks like the wife of two men at once; like the *koy*, she cannot be definitively classified. This situation is intolerable; so the sages rectify the error by the drastic solution of reducing the woman to the status of nobody's wife at all. But this expedient involves an arbitrary suspension of her rights of personhood. Thus, a *person* with clearly assigned rights suddenly turns into a *chattel* discarded by both owners alike. At the root of this treatment lies the fact that, no matter how innocently, *a woman whose sexual function belongs to one man has allowed another to make use of it.*

24. But see note 17 above.

25. See note 33 below.

26. Mary Douglas, *Purity and Danger* (1966), p. 37.

The same emphasis on woman's hybrid character appears in the Mishnah's portrayal of the suspected adulteress as chattel and person at once. Following the biblical "law of jealousy" (Num. 5:11-31), the wife can be put to the ordeal on the basis of mere suspicion (tractate *Soṭah*). But a husband who chooses to divorce her without proof faces an interesting legal dilemma. On the one hand, mishnaic law permits him to discard his wife at any time, even without cause (M. *Git.* 9:10).²⁷ On the other hand, a woman divorced without proof of fault is entitled to collect her marriage portion (M. *Ket.* 4:7); she cannot be deprived of property without due process. As sex object, she is *chattel*, but as property owner, she is *person*. Thus, the context of the ordeal treats a woman as chattel and person at once. But this dualism, as we have seen, flies in the face of mishnaic taxonomy. The sages, intolerant of such inconsistency, harmonize matters by refusing to permit the ordeal unless the husband has previously warned his wife before witnesses (M. *Sot.* 1:1). Then, if she subsequently secludes herself with the suspected lover (even though no one can prove adultery), her husband can use those witnesses to forfeit her marriage settlement when he divorces her.²⁸

Another interesting dualism in the wife's status appears in the law of divorce. While a man can divorce his wife at any time for no reason (M. *Git.* 9:10) she cannot divorce him even for cause (M. *Yeb.* 14:1); yet, as mentioned above, the sages list many grounds that entitle a wife to petition for divorce (M. *Git.* 7:1-5, 7:10). These include various kinds of cruelty, such as depriving her of her favorite foods or jewels, or precluding her from visiting her parents. Such an abused wife, as *person*, is morally entitled to her freedom; as *chattel*, however, she cannot divorce her husband and must rely on the court's efforts to convince him to release her (M. *Git.* 9:8).²⁹ Here the sages treat the woman as chattel and person at once, contrary to their own canons of taxonomy, whereby an object cannot be both X and not-X at one and the same time.

Further examples abound. In another divorce scenario, M. *Git.* 6:1 empowers a wife to send an agent to her husband to receive her writ of divorce. The power to appoint agents is clearly a right of personhood. Yet, because receipt of the writ releases the wife at once, the sages insist that the ultimate determination of that moment rests with the husband. If he declines to relinquish control of his wife by handing the writ to her agent, the husband can countermand the latter's commission, trans-

27. Affinities between talmudic and Islamic law of women's status are far greater than is generally known. See Wegner, "The Status of Women in Jewish and Islamic Marriage and Divorce Law," *Harvard Women's Law Journal*, vol. 5 (1982):1-33.

28. A subtle distinction appears here. Unlike the case of the wife who mistakenly remarried, the sages cannot override the rights of personhood of the merely suspected adulteress. Whereas in the earlier case it is *certain* that she has had sexual relations with another man, in the present case her husband *cannot prove this*. (If he could prove it, she would be subject not to the ordeal but to a trial for adultery.)

29. But see note 23 above.

forming him from wife's agent-for-receipt into husband's agent-for-delivery and delaying the wife's release until the agent actually hands her the writ. Again the wife finds herself in a context where her rights as *person*, clashing with her status as the husband's sexual *chattel*, are defeated by the sexuality factor.

Equally interesting is the case of the levirate widow, where the process runs in reverse. Inherited by her levir on her husband's death without heirs, she is his sexual *chattel*. But if the levir repudiates her, she at once becomes her own *person* -- so much so that the man's declaration of rejection at once lets the woman assume the active part in the ritual of release. It is she who removes the man's shoe, spits at him, and verbally expresses society's condemnation of the man who shirks his levirate duty (Deut. 25:9, M. *Yeb.* 12:6). Once more we see the anomaly of woman as chattel and person in a single context.

The Mishnaic Woman and the Public Domain

All the examples discussed so far involve transactions in the sphere of private life. But when we turn from the private to the public domain of mishnaic culture, we discover a different version of the "sexuality factor." Because of her sexuality — in this context, meaning simply her *female gender* — woman is systematically denied any active role in cultural enterprises in the public domain. This goes beyond men's need to protect their wives and daughters, as is clear from the fact that the rules exempt (and ultimately exclude) dependent and autonomous women alike from taking an active part in communal enterprises. That is to say, the Mishnah disqualifies *all* women from participation in the most significant intellectual and spiritual practices of Israelite culture,³⁰ effectively denying them the *full* personhood of the free adult Israelite male.³¹

Let us consider a few of the more egregious examples. Women are not permitted to read publicly from the Torah scroll or to lead communal worship (T. *Meg.* 3:11, B. *Meg.* 23a) nor may they join in communal study of the sacred texts, for this takes place in the *havurah* or fellowship group — a social institution from which women are expressly barred (M. *Pes.* 8:7). Nor may a woman form part of the quorum for reciting communal grace or other prayers (M. *Ber.* 7:2). This exclusion operates even though a woman is explicitly required to recite the very prayers in question (M. *Ber.* 3:3), and even though she may perform other cultic acts, like making a vow of self-dedication (M. *Naz.* 9:1) or personal penance (M. *Ned.* 11:1) so long as she remains in the privacy of her own home. In general, the

30. An extended discussion of the reasons for this is beyond the scope of this essay. A paper on the exclusion of women from the public domain of mishnaic culture is currently in preparation.

31. This fact is implicitly acknowledged in M. *Hor.* 3:7, which declares that if one must choose between saving a man's life and that of a woman, the man's life takes precedence (he being more valuable because he is eligible to perform more *mitzvot*).

Mishnah systematically restricts a woman's cultural horizons to the private domain of domestic relations and private transactions, whether between herself and man or between herself and God.

Prominent among reasons for the barring of women from the public domain of Israelite culture, we find male fears of sexual distraction (M. *Suk.* 5:2, M. *Mid.* 2:5, M. *Qid.* 1:12) and contamination generated by relations with a forbidden woman (M. *Bek.* 7:7).³² Fear of cultic pollution of the male underlies the whole of tractate *Niddah* (laws of the menstruant), as is clear from the sages' lack of concern with the effect of a woman's "uncleanness" on herself or other women. They worry only about its impact on the *men* she encounters. That is because men alone participate in public cultic practices — temple sacrifice (before 70 C.E.) or synagogue ritual — that demand the maintenance of cultic purity.

To return to the paradigm of the *koy*, the public domain from which women are excluded is the one arena where the sages treat a woman neither as person nor as chattel. She becomes a nonentity and is simply ignored. Proof lies in the fact that, while the sages make many rules about the conduct of *men* in the public domain, and even about *chattels* that appear there (like the goring ox of M. *B.Q.* 2:5 or the jug that trips someone on the street, M. *B.Q.* 3:1), they make no provision for *women* in the public domain, beyond rules that exclude them from being there at all. It is as though, in this context, women simply do not exist.³³

Conclusion

This analysis of the status of woman in the mishnaic system reveals her as a total anomaly in terms of the Mishnah's taxonomic assumptions. She defies the rule that every phenomenon be classifiable as X or not-X. She undermines the principle of the excluded middle by occupying precisely that no-man's-land whose existence the sages' hellenistic logic would like to deny. As with the *koy*, the sages refuse to create a single, consistent category of legal status appropriate for her; and, as with the *koy*, they break her down into her component parts according to the case at hand. Whether by accident or design, this produces the result that the woman is sometimes treated as chattel and sometimes as person. In some contexts the sages treat her as both chattel and person in the same trans-

32. A priest who has married a forbidden woman is disqualified from performing cultic acts until he takes a vow abjuring any "benefit" from her (i.e., abjures further sexual relations with her), thus removing himself from the source of contamination.

33. A striking instance is the Mishnah's failure to discuss the subject of prostitution — the one activity that women surely performed in the public domain of Israelite culture. The few mishnaic references to the prostitute (*zonah*) are mostly formal ones to the biblical rule concerning the priest's daughter who fornicates (Lev. 21:9), or to a female convert who has sexual relations while betrothed to an Israelite man, or to female slaves or war captives who have suffered sexual intrusion against their will. Only one mishnaic rule (M. *Tem.* 5:1-3) appears to speak of a woman who voluntarily follows the profession of a prostitute.

action, while, in one context (the public domain of Israelite culture), they treat her as neither -- hoping or assuming that she will not appear at all.

Let us conclude by imagining an addendum to tractate *Bikkurim* in which the sages spell out the analogy between the woman and the *koy*. (The addendum would appear, appropriately, after chapter four of tractate *Bikkurim*, which deals with a biological hybrid, the *androgynos*, and which, many scholars believe, is itself a post-mishnaic interpolation.)³⁴

Tractate *Bikkurim*, chapter 5

1. The woman in some things is like a chattel, and in some things is like a person; and in some things she is like both chattel and person; and in some things she is like neither chattel nor person.
2. How is she like a chattel? Her sexuality belongs to her father, or her husband, or her levir; and if she appears as the wife of two men at once, she loses all rights of personhood against both. In these things, the woman is like a chattel.
3. How is she like a person? She may own and control property; she may appoint an agent; she may bring and defend suit for damages; the oath of testimony applies to her in some cases; and the deposit-oath applies to her. In these things, the woman is like a person.
4. How is she like both chattel and person? When her husband puts her to the ordeal on suspicion, she is like a chattel; but when he divorces her on suspicion, she is like a person. Her husband can put her to the ordeal without witnesses, but he cannot withhold her marriage portion without witnesses. So, too, with the levirate widow. If her levir says, "I choose to marry her," she is like a chattel; but if her levir says, "I do not choose to marry her," she is like a person.
5. And how is she like neither a chattel nor a person? In matters of the public domain. A man goes into the public domain, so the sages made rules about what he does there. A chattel goes into the public domain, so the sages made rules about what it does there. But a woman does not go into the public domain, so the sages made no rules about what she does there.
6. This is the view of sages in general. Rabbi Judith says that the woman should go into the public domain for the improvement of society (*mi-pnei tiqqun ha'olam*). But the Halakhah does not follow Rabbi Judith.

34. Danby, *The Mishnah* (1933), p. 98, footnote 5.

Job's Agony: A Biblical Evocation of Bereavement and Grief

HERMAN M. van PRAAG

Whither should I fly?
I have done no harm, But I remember now
I am in this earthly world, where to do harm
Is often laudable, to do good sometime
Accounted dangerous folly . . .

MACBETH, Act IV, sc. 2.

1. Job's Misfortune

Once upon a time a pious and wealthy man named Job was struck by an immense sorrow. Unexpectedly, and abruptly, he lost all that he possessed: his children, his property, his servants. Sheer destiny? By no means. Unknowingly, Job had become the subject of a controversy between God and the celestial prosecutor Satan. At stake was the question: is Job's piety proof against adversity? God maintains that it is; Satan is skeptical. God grants Satan permission to put Job to the test any way that he wants, short of taking his life.

Four messengers successively bring Job the bad tidings. His response is one of resignation. "The Lord gave, and the Lord has taken away; Blessed be the name of the Lord."¹ God is satisfied. Satan is not. Sacred to man, he contends, is only his physical integrity. Take that away and he will show his real nature. Satan obtains permission to put Job through another ordeal. He is smitten "with sore boils from the sole of his foot even unto his crown." Job's emotional response is again one of resignation. "Shall we receive good at the hand of God, and shall we not receive evil?"

To make things even worse, Job finds himself suddenly alone. Time and again he laments, "I stand up in the assembly, and cry for help," but to no effect. His community, his friends shun him. From being "the greatest of all the children of the east" he has become a pariah and has to associate with the "ungodly" and the "wicked." His intimate friends abhor him and those whom he loved have turned against him. Once a leader acting with the authority of a military chief, he is now stripped of his glory and the crown has been taken from his head.

1. Quotations are from: *Job*, Hebrew text and English translation with an introduction and commentary by V.E. Reichert. (London: Jerusalem, New York: Soncino Press, 1946).

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So far, Job's misfortune. Reading the story as a psychiatrist I find two questions that come to mind. First: why is Job so utterly deserted, or, why does he feel so? Second: is Job's response to adversity the normal, that is, the expected one? Psychiatrists study human behavior. Their vantage point is basically non-literary, non-historical, and non-theological, and so will be mine. Gordis² has convincingly indicated the differences between the Job of the prose framework and the Job of the poetic dialogues. I will deal with the figure of Job as an organic whole. Psychiatrists are used to handling inner discrepancies. In fact, it is their veritable trade mark.

2. Job's Loneliness

a. The outer world

Job mourns his losses but he suffers no less of desolation. In contemplating his loneliness a variety of possible reasons come to mind.

Job's afflictions have stigmatized him as a sinner. Nobody could have fallen so deeply without God's tacit understanding. Disaster and transgression are strongly related and so are prosperity and piety. Since men's actions are under God's ultimate supervision, and God's rule is based on justice, Job must have deserved his suffering. The doctrine of material retributive justice was current in Job's days. Originally, the prophets had applied it to Klal Israel. Israel would be punished if it tolerated mischief in its midst. From Ezekiel on, the doctrine was applied to individuals.³

This teaching, appealing in its simplicity, was about to be questioned by Job. He would focus on its validity. One could even question its ethical standard. Material wealth, if not acquired at the expense of others, at the least permits the poverty of others to persist. Suffering, even if considered to be deserved, is rarely restricted to the culprit but spreads to innocents. Being ethically questionable, the teaching cannot easily be accepted as being of divine origin. But though its official status in theology deteriorated, it never faded away completely. When, from the end of 1940 on, Dutch Jews were little by little deprived of their civil rights, I was taught by one of my school teachers that the curse on the Jews would not be lifted before they collectively had accepted Jesus as their saviour. Rabbi Yitschak Peretz, a minister in Israel's government, recently linked a bus crash, in which many children perished, to non-observance of the Sabbath in Petach Tikwa. Clustering of AIDS among gays has been perceived as divine judgment against their "abomination."

Even in the non-religious mind, mishap and misstep are easily linked. In a group of 48 bereaved men and women, seeking treatment for depression, 26 indicated that they were haunted by thoughts of guilt and of being punished for previous wrongdoings often by the way of a

2. R. Gordis, *The Book of God and Man. A Study of Job*. (Chicago and London: The University of Chicago Press, 1965).

3. See Reichert's comment on Job, footnote #1.

rather minor nature. Depression is, undeniably an abnormal state of mind. Under abnormal conditions, however, the mind sometimes reveals fundamental fears more readily than when it is fully adjusted to its own and to society's needs. Some fears seem, indeed, to be uneradicable.

Job was branded as a sinner. Who would want to associate with someone who has lost favour in God's eyes? The few friends who dare to visit him after the ordeal behave strangely when they see him. "They rent every one his mantle, and threw dust upon their heads," actions which, according to Battenwieser⁴ were not meant to express grief on Job's account, but, rather, solicitude on their own. They sought to ward off the danger of becoming affected themselves by the curse that had been visited upon Job. "For now ye are become His; ye see a terror, and are afraid." Indeed, Job seems to interpret their behavior in that way.

One needs, however, no religious considerations to understand Job's solitude. Death and disaster frighten. The right words are hard to find. We see in concrete terms what could befall us. Almost instinctively, one's initial reaction is to turn away, to ignore, to flee. For rapprochement one needs resolve. Compassion is to empathize truly with another's suffering; pseudocompassion is a maneuver to turn away from it, to fortify oneself against the painful emotion that it arouses. Job could have been a victim of the latter.

b. Job's inner self

Job was a wealthy, influential man, attributes that are apt to generate awe. The amount of might available in any given society, however, is finite. What is obtained by one is not attainable for another. Hence, these attributes inspire envy as much as awe. Moreover, is it hard to amass wealth and power without hurting someone in the process, exposing one to the grudge of those whose egos have been hurt. When people are knocked from their pedestal, as Job was, awe quickly evaporates, clearing the way, at best, for lack of interest ("my kinsfolk have failed, and my familiar friends have forgotten me"), but, more likely, for hostility and "*schadefreude*" ("Even urchins despise me; If I arise, they speak against me").

These general considerations gain in validity if one takes Job's personality into account. Even if one acknowledges Job as being a patrician, it is hard to overlook his vanity. Before his downfall he was, he notes: "eyes to the blind . . . feet to the lame . . . a father to the needy." True, God had given him high marks but Job seems to outdo even Him when he qualifies his (spiritual) garb as follows. "I put on righteousness, and it clothes itself with me; My justice was as a robe and a diadem." The size of Job's ego must have been such as to make it advisable not to hurt it. The bigger an ego, the more hilarity if it is forced to shrink. Before the

4. M. Battenwieser, *The Book of Job*, (New York: Macmillan Company, 1922).

ordeal, as soon as Job entered public meetings; "The young men hid themselves . . . The voice of the nobles was hushed, and their tongue cleaved to the roof of their mouth." Job interprets this as awe; in view of the extremeness of the response, an amalgam with fear seems at the very least likely. This view is supported by the manner in which the scourged Job is treated. He was not only shunned, he had become "a laughing stock to his neighbor" and his fellow citizens "gather themselves together against him." One suspects here joy at haughtiness shattered. Another, or a complementary possibility is that Job's perception of being ridiculed was partly imagined. Paranoid interpretations of reality are not uncommon after severe damage to narcissistic feelings, the responses of the outer world then being perceived as confirmations of one's own state of mind.

Finally, one cannot completely dismiss the possibility that Job's life has not been as immaculate as he professes. An allusion to that might be found in his remark that after his downfall he is mocked by youth "whose fathers I disdained." Disdain without apparent reason does not adorn a personality. Later on, one of his friends, Eliphaz, openly accuses him of impious deeds. That remark could be slanderous, but he is so specific that one hesitates to dismiss the allegations altogether.

I do not want to assassinate a character. Job was courageous to a degree that compels admiration. The only point I want to make is that, once one is admired, it is hard not to admire one's self. That, I submit, befell Job and that is what rendered him extra vulnerable to narcissistic injuries.

c. Job's outer self

Job suffered a skin disorder manifesting itself in sore boils, black discoloration and scales, muscle wasting, and burning pain in the bones. Many commentators suggest that the disease is leprosy, but the description is not conclusive. In biblical times, the term leprosy was not limited to true Hansen's disease; it embraced a variety of skin ailments, some of them reversible as for example, in the case of Miriam.

Skin disorders are visible, prone to be the object of fear and disgust and, hence, isolating. One tends to avoid contact, even a handshake with the afflicted one. Contagiousness is often taken for granted even if that notion can be definitely discounted. Skin disorders are generally a greater psychological than physical burden. This is particularly true for leprosy, which gradually disfigures the face and extremities. Psychiatric complications are common, particularly depression, even though, today, new treatment is available.⁵

In biblical times leprosy carried an additional forbidding compo-

5. J.H. Kumar and A. Verghese, "Psychiatric Disturbances Among Leprosy Patients. An Epidemiological Study." *International Journal of Leprosy and Other Mycobatic Diseases* 48 (1980):431-434.

ment. The leper, more than any other sick person, was considered to be smitten and afflicted by God.⁶ Lepers were, according to Josephus, forbidden to enter the city or to live with others. Earmarked as physically and metaphysically unclean, Job was, indeed, likely to be treated as living dead.

3. Job's Response to Adversity

a. *Resignation?*

Biblical narrative is usually sparse in depicting emotional and cognitive responses to traumatic events.⁷ In Job's case initially only one is indicated: resignation. This response is as unexpected as it seems invariable. Loss, in particular of loved ones, is too upsetting an event as to be warded off by stolidity. Bereavement is so stressful precisely because the trauma is chronic and impossible to undo; the loved one is lost forever and cannot be brought back. In other words, the stress is uncontrollable. Controllability is an important variable determining the psychological and physiological consequences of the stress. As the sense of control is less, its impact becomes greater.

The perturbations of loss are particularly severe if they concern a child and are even worse if death has come unexpectedly, abruptly, and by an unnatural cause. Untimeliness makes this form of bereavement utterly unacceptable. "Survivor guilt" may also play a role: why should I live while my posterity has died? Finally, guilt over negative feelings might be pronounced. Rafel⁸ points out that social attitudes strongly suggest that all parents must be perfectly loving and all children perfectly lovable. Reality is different. Parent-child relationships are marked by ambivalence, just like any other human relationship. Guilt which is impossible to redeem may aggravate feelings of helplessness.

Sudden loss of a beloved one is so unacceptable that denial and disbelief appear. It cannot be true. I just saw, touched, talked to the one so dear to me. Denial can be so strong that the survivor seems to hold up well, looking as if the loss has been accepted. Unwillingness to let the reality of death penetrate awareness may have survival value, mitigating, as it does, the recognition of a reality that is both devastating and irrevocable.⁹

Disbelief, denial: yes; resignation: no. That is not the way humans behave if key-figures in their lives suddenly disappear. Closeness to oth-

6. M. Bittenwieser *Op. cit.*

7. E. Auerbach, *Mimesis. The Representation of Reality in Western Literature*. (Princeton: Princeton University Press, 1953) pp 3-23).

8. B. Raphael, *The Anatomy of Bereavement*, (New York: Basic Books, 1983).

9. M. Hofer, "Toward a Biology of Grieving," in *Bereavement. Reactions, Consequences and Care.*, Eds., Osterweis Solomon and Green (Washington, D.C.: National Academy Press, 1984).

ers, bonding, are essential components of the human condition. Grief, Parkes¹⁰ noted, is the price of commitment

b. Bonding

Bonding is an innate propensity of human beings. It is the process through which strong emotional ties are established with particular others. Those bonds start to develop between mother and infant, very early in life, the primary stimulus being the child's exposure and becoming familiar with, the mothering figure. Attachment behavior develops independent of the gratification of needs, such as hunger and subsequently being fed. It is the result of a primary drive resulting in a person's attaining, or retaining proximity to another individual who is conceived of as stronger or wiser than the self¹¹.

Attachment behavior is particularly evident in childhood. The infant clings to the mother and gets distressed as soon as she is out of sight. The resulting attachment bonds generate feelings of security in mother's presence and, eventually, in her absence as well, enabling the child to explore its extended environment and to broaden its social contacts. Successful bonding leads to a sense of basic security as well as to the capacity, later in life, to enter into, and to maintain, affectional relationships. Where the needs for bonding are inadequately met, there may be distortions of subsequent relationships and extreme sensitivity to the disruption of attachment. Another illustration of the importance of attachment bonds is found in the consequence of their severance, these being a profound disruption of the psychological and biological homeostasis. The response is quite distinctive and predictable and is observed in children,¹² in monkeys separated from their mothers¹³ and, likewise, in adults who are struck by a significant loss.¹⁴ Protest is an important component; despair and guilt are others. Resignation, however, is not.

4. Job's Psychological Condition

a. Psychological despair

Job's initial response seems unreal, more dictated by social expectations from a God-fearing man than by authentic inner movings. A "surface reaction," but underneath, one suspects, intense grief. The expectation is borne out in subsequent verses. The prologue contains the first al-

10. C.M. Parkes, *Bereavement: Studies of Grief in Adult Life* (New York: International University Press, 1972).

11. J. Bowlby, "The Making and Breaking of Affectional Bonds," *British Journal of Psychiatry*, 130 (1977):201-210.

12. R.A. Spitz, "Anaclitic Depression," *Psychanalytic Study of the Child* 2 (1946):313-347.

13. H.F. Harlow and M.K. Harlow, "Social Deprivation in Monkeys," *Scientific American* 207 (1962):136.

14. E. Lindemann, "Symptomatology and Management of Acute Grief," *American Journal of Psychiatry*, 101 (1944):141-148.

lusion. The ordeal has made Job's wife embittered. She incites him to "blaspheme God and die." Job rebuffs her as an "impious woman" but the narrator adds: "For all this did not Job sin with his lips." Not with words did he sin, suggesting, according to the Talmud, that at heart he did. Gordis¹⁵ questions that interpretation. Purity of speech, he holds, reflects the integrity of one's spirit. In the second part of the Book of Job, Job's real state of mind declares itself. Three friends arrive to comfort him: Eliphaz, Bildad and Zophar. They do not observe a man submitting to the will of God, but one whose "grief was great." They do not recognize him, the narrator reports, referring either to his disfigured exterior or to his mental state, a once self-confident man pulled down by sorrow. Their initial reaction is delicate. They maintain silence for a full week, realizing, apparently, that sorrow can be so great as to make communication impossible. The ego then closes its boundaries to the outside world and attempts to cross that border are felt as intolerable intrusions. All relationships fade in comparison with the one that has been lost. After a certain amount of time, the border re-opens, the loss becomes discussable and may turn into the major focus of conversation.

The friends wait until Job begins to talk. When he does, in the second part of the Book, which comprises the poetic dialogues between Job and his comforters, he explodes and reveals a state of mind that Lindemann,¹⁶ more than 2,000 years later, would describe as typical and predictable after a major emotional loss. Job goes through a typical, profound grief reaction. Here is a main point that I want to make in the rest of this essay. As soon as Job starts to address his friends, he reveals the anguish of recognition of loss manifested in bursts of intense distress. He raises an existential question, as so many have done in comparable circumstances: "Wherefore is light given to him that is in misery; And life unto the bitter in soul." Is life worth living, if adversity of such magnitude forms part of it? His answer is in the negative and expresses a deep sense of hopelessness. "Let the day perish wherein I was born . . . Let that day be darkness . . . Let that night be desolate." Active death wishes have emerged. "My soul is weary of my life." He looks for the nether-world as his house. "That He would let loose His hands, and cut me off!" He cannot bear the burden of this distress any longer. He feels that he is "a burden to himself" and has "spent his days without hope."

b. Biological despair

Job's soul aches, as does his body. "Mine inwards boil, and rest not;" his bones are "burned with heat;" sleep is disturbed: "the night is long" and he is "scared with dreams." From the acute onset of these symptoms

15. R. Gordis, *The Book of Job. Commentary, New Translation and Special Studies*. (New York: The Jewish Theological Seminary of America, 1978).

16. E. Lindemann, *Op. cit.*

after the disaster I tend to infer that his physical state is psychosomatic in nature. This adjective means that psychological factors are capable of harming bodily functions, transiently or permanently, with or without ultimate anatomical damage.

Psycho-somatic interaction is carried into effect via the automatic nervous system, the immune system and the hormonal system. The first of the three serves to control and coordinate the functions of digestion, metabolism, respiration and circulation. Its susceptibility to emotional stimulus explains reactions of internal organs under psychological distress. The immune system incurs a considerable risk of becoming suppressed during emotional crises.¹⁷ Since it is the main protector against microorganisms and foreign substances, such suppression opens the door for a host of diseases. Finally, hormonal systems, tend to become activated under such circumstances. Since hormones are messengers operating via the bloodstream, the reverberations of hormonal imbalance will be felt throughout the entire organism.

Understandably, now, bereavement generally brings along a host of bodily complaints. Most studies show an increase in visits to physicians or hospitalizations in the succeeding year. Health-damaging behavior increases or is precipitated — e.g., alcohol consumption, smoking, use of tranquilizers and sleeping pills — and the risk of accidents is enhanced. Many different complaints and dysfunctions may occur but the heart seems to be particularly vulnerable. Following bereavement mortality rates are increased and heart diseases are largely responsible.¹⁸ One may, indeed, die of a broken heart, as Job perhaps sensed: “The grave is ready for me.”

In the light of the ordeal that he went through, Job’s bodily despair was to be expected.

c. Protest

Bereavement means sorrow, but it no less implies unwillingness to acquiesce in the inevitable. Unexpected, unnatural, premature death, in particular, generates rebellion. Rebellion against the perpetrators; against society for failing to prevent it, against the medical establishment for having been powerless or negligent; against oneself for not having intervened; against the deceased for desertion; against destiny who let it happen; against God through Whose indulgence it could happen. Job exhibits the expected response. Indeed, he is the prototypical rebel. Since he is a deeply religious man, the main target of his aggression is God. Prophecy is reversed. He calls God to account, not the people. Him he

17. R. Ader and N. Cohen, “Behaviorally Conditioned immuno-suppression,” *Psychosomatic Medicine*, 37 (1975):333-340.

18. K.J. Helsing, M. Szklo, and G.W. Comstock, “Factors Associated with Mortality After Widowhood,” *American Journal of Public Health*, 71 (1981):802-809.

holds responsible. Why me, he moans, I'm innocent and don't deserve to be chastised. He questions the moral quality of God's government and accuses Him of moral indifference — "He destroyeth the innocent and the wicked" — or worse, of immorality: "The earth is given into the hand of the wicked . . . He will mock at the calamity of the guiltless." He cries out "violence" but is not heard. "I go forward, but He is not there, and backward but I cannot perceive Him." He challenges God to appear, to put him to a trial, to interrogate him, to reveal His reasons for destroying a righteous man. "I desire to reason with God."

Grief, says Raphael,¹⁹ breaks over the bereaved in waves of distress and so it happens in the case of Job. His rebellion is half-hearted. He oscillates between rejection of God because of what he perceives as His ruthless injustice and loyalty based on the memory of blessed fellowship with Him in the past.²⁰ "Though He slay me, yet will I trust in Him." Job's inner confusion is depicted with penetrating clarity. He respects the notion of a world hereafter in which committed injustice might be recouped and the righteous eventually vindicated. A tree if it be cut down, he says, will sprout again. Man, however, once dead, "lieth down and riseth not." On the other hand, he declares to know "that my Redeemer lives" and that he cherishes the hope to see God after "his skin has been torn from his flesh." Another time doubt once more overcomes him. He dreams that at the very last moment God's magnanimity will prevail, but it might be too late. Once gone to the netherworld "where the light is as darkness . . . Thou wilt seek me, but I shall not be."

d. Guilt

Protest figures prominently in acute bereavement reactions. Why had it to happen, anyhow? Why to me? I do not deserve it. Or do I? The notion of guilt might creep in. The religious mind then contemplates adversity as a Divine judgment. Guilt feelings develop by inference as a derivative. Non-religious people are by no means immune. Guilt, however, if it occurs, tends to be primary. The mourner agonizes over occasions in which he was remiss towards the deceased and laments the impossibility to express regrets. Primary guilt can, of course, also befall the religious. No wonder that after bereavement suicide rates are increased; they go up by 350% for widowers and 200% for widows.²¹ Guilt is certainly not the only motive, but it can be an important one.

Does guilt figure in Job's mind? Prominently so, albeit in a negative sense. Time and again, guilt feelings are vehemently denied. Apart from

19. B. Rafael, *Op. cit.*

20. A.S. Peake, (ed.), *Job*: Introduction, revised version with notes and index (Edinburgh: T.C.E.C. Jack, 1905).

21. B. McMahon and T.F. Pugh, "Suicide in the Widowed," *American Journal of Epidemiology*. 81 (1965):23-31.

a casual allusion to "iniquities of his youth" his leitmotiv is: I am a man of integrity and I am innocent. But the way in which he ventilates his conviction varies. Sometimes he is relatively subdued. "Thou knowest that I shall not be condemned." At other times, when he contends absolute blamelessness, he seems exuberant. When Eliphaz hints at men's imperfections — "Shall mortal man be just before God? Shall a man be pure before his Maker?" — Job seems unwilling to accept even this fundamental religious truth. He charges his friend with lack of pity. "Yea, ye would cast lots upon the fatherless, And dig a pit for your friend."

If a psychological feature that, on theoretical or empirical grounds is likely to exist, is rejected vehemently, if the mere reference to it provokes accusations, if the issue seems completely beyond discussion, one is entitled seriously to consider its existence, the denial preventing its realization. Eliphaz, as said, accuses Job of wrongdoings, possibly unfairly so, irritated as he might have been by what he perceives as Job's arrogance, but that arrogance supports the suspicion of self-deception. It is true that, in the end, God entirely vindicates Job, without reprimands, but one would not be surprised if, with His knowledge, He had condoned stubbornness in someone so terribly afflicted.

e. Depression (?)

In Job's stubborn rejection of personal fallibility; in his subjective conviction of being selfless, magnanimous, altruistic; in his perceived certainty of having admired and worshipped, lies an element of over-estimation of the self, even bordering on self-aggrandizement, pointing to a diminished grip on reality. The inflated self-image of the prostrated Job is hard to reconcile with the distinct appreciation that God had expressed in the man, Job, before the downfall. Piety and immodesty seem incompatible.

The nature of Job's self-perception raises the question of a possible personality change caused by sudden exposure to extreme agony. In view of the obsessive preoccupation with guilt seemingly allied to decreased reality awareness, one might rightly contemplate the existence of a severe form of depression, called melancholia. To be sure, I have no preconceived need to psychiatrize but, in cases of unusual behavior, one cannot blame a psychiatrist for voicing what he observes. Let it be clear, however, that a psychiatric condition is a different mode of existence, not an inferior one. In episodes of decompensation one might even witness a depth of thought, a measure of self-reflection that was non-existent in the normal state of mind and that evaporates after recovery. In melancholia, for example, metaphysical reflections on guilt and punishment can be particularly striking. Finally, psychological derangement is rarely total. While some faculties are disordered, others do function normally. In short, Job's greatness would not at all be compromised if the diagnosis

of depression could be made plausible. So, a relevant question seems to be: was Job suffering from a melancholic depression?

Bereavement usually brings out features that are hardly distinguishable, if at all, from those seen in depression, both in terms of quality and severity. Sadness, crying spells, anxiety, disturbed sleep, impaired social functioning, lack of interest, a host of physical complaints, to mention only the most important ones. Yet, grief is not a disease. Those afflicted feel that way and so does society. The bereaved, however, may become sick or depressed, and depression is experienced as an illness and is considered as such by society. The transition is common. Clayton and her colleagues²² found in a study of widows and widowers of different age groups that at one month 42% and at one year 16% met the criteria for depression. Among a control group who had not lost first-degree relatives, only 8% reported a depressive breakdown at some point during the previous year. In the case of abrupt multiple child loss, like that of Job, one would expect the risk of depression to be even higher, but no data are at hand.

Physically, Job is a sick man; mentally, he is broken; but is he depressed? Indeed, certain features point in that direction. Job himself feels to be mentally sick, "his spirit being consumed." Society considers him sick. He expresses a profound disgust with life, emptiness being felt within, rather than in the outer world. That is a state of mind occurring in depression rather than in (uncomplicated) grief. Moreover, Job expresses more than helpless anguish and despair. Repeatedly he gives evidence of the loss of self-esteem. "I regard not myself, I despise my life." Self-depreciation of such intensity is typical of severe depression. It contradicts Job's proclaimed conviction of being spotless. In a normal state of mind, self-confidence bordering on self-sufficiency does not allow for self-denigration. Job's inner ambivalence is striking.

Finally, he repeatedly describes the outer world as threatening and hostile, and to such a degree that one wonders what is real and what is mis-interpretation. He feels that he is a laughing stock to his neighbors; his familiar friends have not only forgotten him, they abhor him; even the wicked do so; he has become, he states, someone in whose face people spit. Paranoid signs, or at least hypersensitivity to gestures that could be interpreted as demeaning, are common symptoms of melancholia, particularly in the aged.

The features that Job shows, taken together with the shattering severity of his losses, their abruptness and their unnatural nature, render it justifiable to consider that Job had crossed the border between uncomplicated grief and melancholia.

Melancholia is one extreme on a spectrum of mood disorders of

22. P.J. Clayton, J.A. Halikas and W.L. Maurice. "The Depression of Widowhood," *British Journal of Psychiatry*, 120 (1972):71-78.

which mania is the other extreme. In the latter condition, mood is elevated, self-esteem inflated and ideas of grandiosity and inferiority sometimes exist side by side, the former seemingly being an antidote against the latter. Melancholia and mania tend to occur in the same individual in sequence or simultaneously. Though this is, admittedly, a speculation, one could explain Job's unwillingness to accept even the slightest criticism as a compensatory, i.e., a manic, element in an otherwise melancholic state.

5. Job's Friends

Job's friends have earned for themselves a bad reputation. They come with no other intention than to comfort, but, in a series of dialogues, the communication becomes increasingly tense, even hostile. Job calls them "deceitful . . . plasterers of lies, physicians of no value." Commentators have called them cruel and devoided of all pity.²³ God Himself rebukes them because they have not spoken of Him "the thing that is right." That verdict seems too harsh. At the outset, the friends exercise caution. Eliphaz, in his speech, begs for Job's indulgence when he speaks and invites Job to apply to himself the council that he has given to so many others. "Affliction," he continues, "cometh not forth from the dust,/Neither doth trouble spring out of the ground." Who ever perished, being innocent, he asks. However, he adds, one may sin inadvertently. Sin demands penitence and that is what the friends press for.

Job, convinced of his integrity, rejects their advice categorically. Only then do the dialogues become increasingly spiteful. One admires Job's courage to question and to reject current wisdom but one cannot blame the friends for adhering to it. To plead guilty, to repent and to seek God's protection was considered adequate consolatory advice. Only later would the doctrine of retributive justice come under theological attack. It seems unfair to blame the friends for lack of foresight. God in particular seems unfair. The doctrine is formulated and reiterated in His Torah. Not the prophets had invented it, God did.

Initially, the behavior of the friends is adequate. They let Job speak first, give him the opportunity to unburden his soul, and then offer him solace according to current wisdom. Blame is due only in so far as they disregarded the fact that not every attempt to support the bereaved is felt as being helpful. Lehman and collaborators,²⁴ exploring the issue systematically, found that the support attempts which are most frequently cited by bereaved people are contact with similar others and the opportunity to express feelings. Those most frequently mentioned as unhelpful are

24. Reichert, see footnote #1.

25. D.R. Lehman, J.H. Ellard, and C.B. Wortman, "Social Support for the Bereaved: Recipients' and Providers' Perspectives on What's helpful," *Journal of Consultative and Clinical Psychology*, 54 (1986):424-431.

giving advice and encouraging recovery. This fact, however, was only recently established in 1986.

6. The Object of the Grief

Being stricken by an immense loss, Job responds with what may be called a typical, severe grief reaction. Working through the text, however, one is gradually seized with a sense of incompleteness. Something remains concealed. Job is obviously mourning, but what is he mourning about? He has lost all of his children, yet he laments them not a single time. He has lost his property; that seems hardly a concern to him. He has lost his standing and that is a concern. Job ruminates the role change from "chief" to outcast. Is this really the major focus of his grief? To mourn prestige more than offspring would make Job repulsive. Yet, he does not impress one as an egocentric. One feels for him, and mourns with him.

What Job really mourns, I think, is not so much his kinsfolk, his wealth, not even his standing; he mourns the loss of a concept, one that had been a cornerstone of his existence, superseding worldly relations and belongings, i.e., the concept of material retributive justice. Job has lost a precious dream, at the time cherished by all (Jewish) mankind, a dream that has never completely lost its lustre. It is a dream that generated as soon as men had acquired knowledge of good and evil. They discovered that, though the good had to be the beacon, the evil often proved to be seductive. The solution was found in a classical behavioral concept: the desirable attitude was to be rewarded, the objectionable punished. That concept was as simple as it proved to be appealing. But Job discovers the doctrine to be untenable; he finds himself morally empty-handed and, therefore, he mourns.

7. Restoration

Grief tends to be temporary and self-limiting. The bereaved gradually accommodates to the new life situation. The loss becomes accepted, the pain abates, the lost object becomes a treasured memory. In Job's case, the resolution of the bereavement process seems problematic. The pangs of anger and despondency do diminish. The loss of the treasured concept, however, is not really accepted. He clings to it, tends to keep it artificially alive via the amendment that man is too insignificant and ignorant to grasp God's conduct. "Behold the fear of Lord, that is wisdom; And to depart from evil is understanding." The fourth friend, Elihu, present from the beginning but entering the debate only at the end, reinforces the inclination to incomplete reparation. He does not put forward new arguments, but, by being less offensive than this companions, he seems psychologically better attuned to Job's inner state. "The Almighty

is excellent in power;" therefore we should fear him. "He regardeth not any that are wise of heart."

God Himself finally completes the metamorphosis. He appears in a whirlwind and confirms what has already dawned upon Job. God's wisdom is infinite, transcending by far man's comprehension. Job's questions remain unanswered. How are the world's injustices to be reconciled with God's moral government? Job, however, is overcome by awe and surrenders, "Behold, I am of small account; what shall I answer Thee? I lay my hand upon my mouth." Now that he has a chance to call God to account, he fails. "I abhor my words and repent." Though retributive justice is obviously illusory, he continues to embrace it, calling upon a *deus ex machina*, i.e., the limitations of the human mind. "I have uttered that which I understood not, Things too wonderful for me, which I knew not." It is as if the deceased is mummified but continues to be caressed as if he were alive. In the very end, in the brief Epilogue, the doctrine of retributive justice is resurrected openly. Job is "accepted by God . . . who changed his fortune . . . and gave him twice as much as he had before."

The termination of the bereavement process is unsatisfactory because Job is not able to relinquish the concept that is dead beyond recall, at least when taken in its entirety. The concept consists of two parts: One is the awareness in the human mind of right and wrong. That part is, I hope and pray, immortal. The second component concerns the reinforcers of moral conduct. According to the doctrine of retributive justice this force is *external*: God, who judges and acts accordingly, either in the world we live in or (mainly in Christianity) in the world to come. It is the second component that Job mourns, but, eventually, is unable to detach from. To preserve it via an artifice — a justice principle impenetrable to the human mind — does not satisfy the minds of those who, against God's explicit instructions, have acquired knowledge of good and evil and are subsequently commanded to live accordingly.

Having concluded that justice is not inherent in this world, having professed that without the notion of right and wrong this planet would be uninhabitable, a logical conclusion is that that notion has to be cultivated by *internal* forces. It seems to me that, in comparison to external reinforcement, internal reinforcement of morality constitutes a way ahead, a way to a more dignified, a more enriching and self-honest existence. Moral conduct is not to please the Creator, but is for the primary sake of inner satisfaction: foregoing mischief to avoid misgivings.

This statement is not meant to be blasphemous. A teacher, even the Supreme One, cannot but be pleased if his students internalize his teachings. Let me draw an analogy with child development. Children have to learn to act according to the accepted codes of their educators. This process is put into effect in three phases. First, the child is punished for unacceptable behavior and rewarded for desirable behavior. Next, the child tends to act appropriately to please his educator. Gradually, the rules of

the game are internalized, i.e., experienced as part of the personality rather than being imposed by external forces. Gratitude towards the educator is certainly due, but the child has developed into a relatively independent creature, as his educators have meant him to be. Ideally, morality has to be similarly integrated. That is how I understand the call to strive towards "holiness"; it is a charge to incorporate the moral principles, not to imitate them.

An educator imbues his pupils with a sense of right and wrong but he cannot be held responsible for the ultimate outcome. At a certain point, he steps back and the student continues on his own account, for better or for worse. The Supreme Educator, I submit, is no exception. For Jews, the term Holocaust is the symbol of the ultimate evil. The question has been raised: is there a God after Auschwitz? The answer is, if there was a God before Auschwitz, there is a God after Auschwitz. Auschwitz was not His fault, it was mankind's fault. Not He was responsible, mankind was. Nazi Germany was, as perpetrator; Western Europe was, in that, in large measure, it turned its eyes away; the USA was, in that it failed to appreciate the cries for help. The fault is with the perpetrators and those who condoned, not with the Educator, though He must have been desolate to have failed so badly.

8. Epilogue

Job knew the concept of external reinforcement of morality to be irretrievably lost; yet, he was unable to part from it. Before his downfall it was his beacon. "Calamity from God was a terror to me . . . disaster is to the workers of iniquity." Even at the height of his rebellion it raised its head. "I know that my Redeemer liveth, and that He will witness at the last upon the dust." In the end he embraces its remains.

I indicated that the resolution of the bereavement process can be unsatisfactory. Working through a loss, however, reaching a new point of stabilization, is a highly individual process. What is a healthy outcome for one may be inadequate for another. Job found his solution; what I asserted is mine. For all that, it is the mourning Job who is closest to my heart. He mourned an illusion dear to all of us, a lost paradise. He mourned for us all.

Rabbi Moshe Feinstein on the Treatment of the Terminally Ill

FRED ROSNER

Introduction

IN MARCH, 1986, A LANDMARK STATEMENT regarding its policy on terminating treatment was issued by the American Medical Association's Council on Ethical and Judicial Affairs. It announced that physicians may ethically withdraw artificial feeding and hydration from terminal or permanently comatose patients, provided certain conditions are satisfied, including the accuracy of the diagnosis, the irreversibility of the coma and the knowledge of the patient's wishes. The AMA suggests that the physician weigh the benefits to be gained from continued treatment, including nutrition and hydration, against the burdens of continued treatment.

The AMA is thus clearly on record as concluding that nutrition and hydration by intravenous lines or nasogastric tubes constitute medical treatment no different from antibiotics, transfusions or other forms of medical intervention, including respirators or other mechanical means of life support, and that such treatment should be used only if it benefits the patient. Why the sudden "about face" in our ethical, medical and legal thinking? Where does one draw the line? Can oral feeding and hydration also be withheld from patients who are able to eat and drink? What about ice sucking or lip moistening? Why is the practice of withdrawing or withholding fluids and nutrition gaining support from bioethicists, physicians, nurses, and other health care providers? Why is this practice no longer considered to be morally objectionable? Why is feeding a patient different from alcohol rubs, turning him to avoid bedsores, and other general supportive measures?

Is withdrawing nutritional life support a constitutional right of the patient and ethically justifiable, or is it an act of moral or legal murder by the hastening of the patient's death? Judaism views nutrition and hydration by feeding tubes or intravenous lines not as medical treatments but as supportive care, no different from washing, turning or grooming a dying patient. This essay presents a Jewish approach to the treatment

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of the terminally ill as presented in the responsa of the renowned Rabbi Moshe Feinstein, with references to other rabbinic sources and responsa.

On purely philosophical or logical grounds one can argue that the denial of food and fluids from a terminally ill patient is not the same as the withholding of medical and surgical therapy ¹. First, the denial of food and fluids is biologically final in that it will certainly and directly lead to the patient's death since survival without food and fluids is impossible, whereas life can continue without medication. Second, food and fluids are universal human needs, whereas modern medical and surgical therapy are not. Third, the doctor-patient relationship may be seriously harmed, since the patient's presumption is that physicians always aim to preserve life and never to induce death. Fourth, to permit physicians to deny food and fluid to patients who are capable of receiving and utilizing them directly attacks the very foundation of medicine as an ethical profession. Fifth, the denial of foods and fluids administered by "artificial" means is no different from such denials when food can be administered in a "normal" manner. The food that is provided is not transformed into an exotic medical substance by the simple act of pouring it into a gastrostomy tube. Sixth, the food and fluid given to a handicapped person or dying patient does not become medical therapy because another person is needed to provide it.

Classic Jewish Sources

To hasten the death of a terminally ill patient is prohibited in Judaism. The Talmud² states that a terminally ill person (*goses*) is regarded as a living person in all respects. One may not do any of the things customarily performed after the soul has departed, such as closing the eyes, for he who touches or moves the eyes of one who is dying is considered to have taken his soul. Other laws pertaining to a *goses*, such as the preparation of a coffin, inheritance, marriage, and so forth, are then cited.

The Talmud also says that: "He who closes the eyes of a dying person while his soul is departing is a murderer [lit. he sheds blood]. This may be compared to a lamp that is going out. If a man places his finger upon it, it is immediately extinguished."³ Rashi explains that this small effort of closing the eyes may slightly hasten death. A famous talmudic passage is the story of Rabbi Hanina ben Teradion whom the Romans wrapped in a Scroll of the Law (Torah) with bundles of straw around him which were then set on fire. The Romans also put tufts of wool which had been soaked in water over his heart so that he should not die quickly. His disciples pleaded with him to open his mouth "so that the fire enter into

1. Derr, P.G., "Why Food And Fluids Can Never Be Denied," *Hastings Center Report*, Vol. 16: pp. 28-30, Feb. 1986.

2. *Semahot* 1:1 ff.

3. *Shabbat* 151b.

thee” and put an end to his agony, but he replied: “Let Him who gave me [my soul] take it away” but no one is allowed to injure himself or hasten his death.⁴

Maimonides reiterates the fact that a dying person is regarded as a living one in all respects and it is prohibited to do anything to him that might hasten death.⁵ A similar pronouncement is found in Karo’s famous code.⁶

On the other hand, thirteenth-century Rabbi Judah the Pious states that, “if a person is dying and someone near his house is chopping wood, so that the soul cannot depart, one should remove the [wood] chopper from there.”⁷ Based on this ruling, Rabbi Moshe Isserles, known as *Rema*, in his famous gloss on Karo’s code, asserts that

if there is anything which causes a hindrance to the departure of the soul, such as the presence near the patient’s house of a knocking noise, such as wood chopping, or if there is salt on the patient’s tongue, and these hinder the soul’s departure, it is permissible to remove them from there because there is no act involved in this at all but only the removal of the impediment.⁸

Based on the aforementioned classic Jewish sources, Rabbi Immanuel Jakobovits, in his pioneering monograph on Jewish medical ethics, states

that any form of active euthanasia is strictly prohibited and condemned as plain murder . . . anyone who kills a dying person is liable to the death penalty as a common murderer. At the same time, Jewish law sanctions the withdrawal of any factor — whether extraneous to the patient himself or not — which may artificially delay his demise in the final phase.⁹

Jakobovits is quick to point out, however, that all of the Jewish sources refer to a *goses* in whom death is imminent — three days or less in rabbinic references. Thus, passive euthanasia in a patient who may yet live for weeks or months is not condoned. Furthermore, in the case of an incurably ill person in severe pain, agony, or distress, the removal of an impediment which hinders his soul’s departure, although permitted in Jewish law, as stated by *Rema*, may not be analogous to the withholding of medical therapy that is perhaps sustaining the patient’s life unnaturally. The impediments spoken of in the codes of Jewish law, whether far removed from the patient, as exemplified by the noise of wood chopping, or in physical contact with him, such as the case of salt on the patient’s tongue, do not constitute any part of the therapeutic armamentarium employed in the medical management of the patient. For this reason, such impediments may be removed. However, the discontinuation of life-

4. *Avodah Zarah* 18a.

5. *Mishneh Torah, Hilkhot Avel* 4:5.

6. *Shulhan Arukh, Yoreh Deah* #339.

7. *Sefer Hasidim* #723

8. *Rema on Yoreh Deah* #339:1.

9. I. Jakobovits, *Jewish Medical Ethics* (New York: Bloch, 1959), pp. 123-125.

support systems which are specifically designed and utilized in the treatment of incurably ill patients might be permissible only if one were certain that doing so would shorten the act of dying and not of interrupting life.

Rabbi J. David Bleich has succinctly summarized the Jewish view of the treatment of the dying as follows:

Any positive act designed to hasten the death of the patient is equated with murder in Jewish law, even if the death is hastened only by a matter of moments. No matter how laudable the intentions of the person performing an act of mercy-killing may be, his deed constitutes an act of homicide . . . In discharging his responsibility with regard to prolongation of life, the physician must make use of any medical resources which are available. However, he is not obligated to employ procedures which are themselves hazardous in nature and may potentially foreshorten the life of the patient. Nor is either the physician or the patient obligated to employ a therapy which is experimental in nature.

The attempt to sustain life, by whatever means, is naught but the expression of the highest regard for the precious nature of the gift of life and of the dignity in which it is held.

Only the Creator, who bestows the gift of life, may relieve man of that life, even when it has become a burden rather than a blessing.¹⁰

The Teaching of Rabbi Moshe Feinstein

The most extensive discussion in the recent rabbinic literature of the treatment of the terminally ill is that of Rabbi Moshe Feinstein¹¹ who, in the seventh volume of his famous responsa, *Iggrot Moshe*, states that, for a patient with pain and suffering who cannot be cured and cannot live much longer, it is not obligatory for physicians to administer medications briefly to prolong his life of pain and suffering, but nature may be allowed to take its course.¹² However, it is prohibited to give the patient any medication or do any act to hasten his death by even a moment. Pain relief medications, however, should be administered even if the patient is not yet considered a *goses* where death is imminent.¹³ A seriously ill patient with respiratory difficulties should be given oxygen even if he can-

10. J.D. Bleich, *Judaism and Healing* (New York: Ktav, 1981), pp. 134-145.

11. M. Feinstein, Responsa *Iggrot Moshe-Hoshen Mishpat*, Part 2, No. 73:1.

12. In support of the Feinstein view is Rabbi Eliezer Yehuda Waldenberg (Responsa *Ziz Eliezer*, Vol. 5, *Ramat Rahel* No. 28:5) who reiterates that physicians and others are obligated to do everything possible to save the life of a dying patient, even if the patient will live only for a brief period, and even if the patient is suffering greatly. Any action that results in hastening of the death of a dying patient is forbidden and considered an act of murder. Even if the patient is beyond cure and is suffering greatly and requests that his death be hastened, one may not do so or advise the patient to do so (*Ibid.*, No. 29, and Vol. 10, No. 25:6).

13. Rabbi Waldenberg continues (see previous note) that a terminally ill, incurable patient may be given oral or parenteral narcotics or other powerful analgesics to relieve his pain and suffering, even at the risk of depressing his respiratory center and hastening his death, provided the medications are prescribed solely for pain relief and not to hasten death (*Ibid.*, Vol. 13, No. 87).

not be cured because oxygen relieves discomfort, continues Feinstein.¹⁴ There are times, however, when it is even appropriate to pray for the death of a suffering dying patient,¹⁵ when it is clear that prayers for his cure are of no avail, similar to the case of Rabbi Judah the Prince as described in the Talmud¹⁶ and codified by Rabbenu Nissan.¹⁷

Rabbi Feinstein then discusses priorities in treating the terminally ill.¹⁸ If a patient who is dying needs emergency treatment to relieve pain and suffering and another patient, who is potentially curable needs urgent treatment but only one bed is available, the potentially curable patient takes priority. However, if the incurable patient already occupies the bed, he should not be “bumped” in favor of the other patient, irrespective of whether one or the other patient is paying for his care. Rabbi Feinstein continues by saying¹⁹ that priorities in Judaism are described in the Talmud.²⁰ In medicine, a physician should see patient A who calls or comes first because the physician’s obligation to him has already begun. However, if the B patient is sicker than A the physician should give priority to B. Similarly, if the physician is able to heal patient B but only to palliate A, he should care for B first unless A is in pain and discomfort, in which case he should first relieve the pain of A.

Rabbi Feinstein also points out²¹ that care must be exercised not to touch a dying patient unnecessarily, as discussed earlier in this essay, lest this act hasten the patient’s death. Many Jewish as well as non-Jewish physicians are either not aware of, or are not concerned, about this prohibition, decries Feinstein. However, in Jewish law, hastening a person’s death by even a moment is considered an act of murder, but touching the patient as part of his medical or supportive care is obviously not only permissible but mandatory.

Rabbi Feinstein then addresses the issue of a terminally ill patient who refuses treatment²² and he says that if such a one refuses to accept medical treatment for his illness because he has no faith in his physicians, one should seek out another physician in whom the patient does have trust. If none is readily available or if the patient refuses treatment be-

14. Dr. A. Sofer Abraham quotes Rabbi Auerbach as distinguishing between routine and non-routine treatments for the terminally ill (A.S. Abraham, in *Halakhah Urefuah*, Vol. 2, pp. 185-190, 1981). For example, a dying cancer patient must be given food, oxygen, antibiotics, insulin, and the like, but does not have to be given painful and toxic chemotherapy which offers no chance of cure but, at best, temporary palliation. Such a patient may be given morphine for pain even if it depresses his respiration. An irreversibly ill terminal patient whose spontaneous heartbeat and breathing stop does not have to be resuscitated.

15. Feinstein, Responsa *Iggrot Moshe*, *Hoshen Mishpat*, Part 2, No. 74:4.

16. *Ketubot* 104a.

17. *Ran* in *Nedarim* 40.

18. Feinstein, *Op. cit.*, No. 73:2.

19. *Ibid.*, No. 74:1.

20. *Horayhot* 13a.

21. Feinstein, *Op. cit.*, No. 73:3.

22. *Ibid.*, No. 73:5.

cause of discomfort or because he has “given up,” one should attempt to persuade him to accept the treatment. However, if the coercion might distress him and worsen his condition, he should not be forced to accept the treatment lest the coercion harm him and even cause his death. Physicians should consider very carefully whether or not to force a patient to accept a treatment if it is highly likely that the treatment will be of no avail, especially if it is associated with some risk, albeit less risk than the illness itself.

If a patient of sound mind refuses life-saving surgery, such as an amputation, because he would thereby be left with a handicap, one should strongly convince, and even force, him to accept the surgery.²³ Although refusal of such treatment is not comparable to the prohibition of actively wounding oneself,²⁴ every patient is obligated to seek healing even if such healing includes major surgery.

If a patient is suffering from advanced cancer and cannot be cured and medications can only prolong his life of painful suffering, he should be so informed and asked if he wishes to receive such medications. If he refuses, one need not administer them because the prolongation of his life would be with suffering.²⁵

The use of dangerous medications for the terminally ill is discussed by Rabbi Feinstein as follows:²⁶ Although the danger of a medication may be far less than the danger of an illness, physicians should carefully weigh whether this is true not only for relatively strong patients, or for those with non-dangerous illness, but, also, for those who are gravely ill. Only if physicians know that the risk of the side effects of a medication are minimal in a gravely ill patient, or that more than half such patients are cured should they administer that medication and then only with the patient’s consent. Such difficult decisions should be discussed among and be made by, a group of physicians and not by a single one.

Palliative medication for the terminally ill is again described by Rabbi Feinstein as follows:²⁷ If physicians have no medication to heal a patient and no medication even to relieve his pain, but they do have medications briefly to prolong the patient’s life but without relieving the pain, they should not administer such medications. This position is clearly supported by Rabbi Moshes Isserles, cited earlier in this essay, who permits, and even requires, the withdrawal of any impediment to the departure of the soul even if one thereby causes the patient to die a little sooner. The reason is obviously because of the patient’s pain and suffering, since,

23. Ibid., No. 74:5.

24. *Baba Kamma* 91a.

25. Feinstein, *Op. cit.*, No. 75:1.

26. Ibid.

27. Ibid., No. 74:1.

if the patient has no pain, it would not be permissible to remove such an impediment.²⁸

Rabbi Feinstein continues by saying that if there is no cure available for the patient's illness and no medication to relieve pain or to strengthen the patient, then none should be given. However, one should not rely solely on one or more physicians who claim that there is no medication available to help the patient. Rather, one should consult with other even younger or less-experienced physicians to seek out possible therapeutic approaches for the terminally ill, including medications to relieve pain and suffering.

Rabbi Feinstein further points out ²⁹ that the Talmud ³⁰ states that one may (or must) set aside the certainty of a patient living a short while without any medical intervention and undertake even a dangerous and life-threatening but potentially curative medical or surgical therapy. Elsewhere,³¹ Feinstein had said that if the chances of success are about 50%, it is permissible, but if they are greater than 50%, it is obligatory to administer the medication or perform the surgery by the most experienced physician.³²

If the patient refuses the dangerous therapy, one need not force him to accept it unless there is a better than 50% chance that the treatment may arrest or reverse the disease process. If the physicians are not sure of the chances for success, the decision is up to the patient. If the patient is a child or an adult who cannot decide for himself, the decision can be made by the parents or next of kin, respectively.

Thus, concludes Feinstein,³³ major surgery should not be undertaken in a terminally ill patient unless there is a chance for cure, as in *Ke-tubot* 77b, where patients with *raathan* had their skulls opened to remove some kind of growth (literally: creeping thing). This operation was very

28. Rabbi Chaim David Halevi, in *Tehumin* (Zomet, Division of Yad Shapiro, Alon Shevut, Israel, Vol. 2, pp. 297-305, 1981), equates the removal of salt from a terminally ill patient's tongue with the removal of an artificial respirator. The former is considered in Jewish law to be an obstacle to the departing of the soul and is of no therapeutic benefit and may be removed to allow the person to die. So, too, claims Halevi, the artificial respirator was first attached to the patient in an attempt to maintain the patient's life. However, when it becomes obvious that there is no more therapeutic benefit to be derived from the respirator, it may be removed. Not only is it allowed to remove the respirator from a terminally, irreversibly ill patient, but it is, in fact, an obligation to do, says Halevi.

29. Feinstein, *Op. cit.*, No. 74:5.

30. *Avodah Zarah* 27b.

31. M. Feinstein, Responsa *Iggrot Moshe, Yoreh Deah*, Part 3, No. 36.

32. Rabbi Gedaliah Aharon Rabinowitz reviews the laws pertaining to the care of the terminally ill and the criteria for defining the moment of death (in *Halakhah Urefuah*, Vol. 3, pp. 102-114). He also states that experimental chemotherapy for cancer patients is permissible but not obligatory (*Ibid.*, pp. 115-118). Such therapy must have a rational scientific basis and be administered by expert physicians. Untested and unknown remedies may not be used on human beings.

33. Feinstein, Responsa *Iggrot Moshe, Hoshen Mishpat*, Part 2, No. 75:3.

dangerous but necessary because of the potential for cure. In a case where physicians suggest a therapy that has a 40% chance of killing the patient, that does not mean that the other 60% are cured and, therefore, it is prohibited to give such therapy unless there is a chance that the therapy may cure the patient; then it is permitted. If 60% (or even only 50% or less) are cured and 40% killed, it would certainly be permitted.

The treatment of an intercurrent illness in a terminally ill patient is addressed by Rabbi Feinstein as follows:³⁴ If a patient with a painful incurable illness (such as metastatic cancer) develops an intercurrent illness which is treatable and often completely reversible (such as pneumonia or urinary tract infection), it is obligatory to treat the intercurrent illness. However, if the underlying incurable disease is very painful and the patient refuses additional palliative therapy, it is not obligatory to administer medications that will only prolong the life of suffering without any chance of cure. Even if the patient is unable to voice his own opinion in this matter, one can consult with immediate members of the family about the patient's wishes had he been able to express them. Such decisions should be made in consultation with a competent Rabbi and the most expert physicians. Later, Rabbi Feinstein reiterates³⁵ that a patient who has seven days or less of life expectancy and who develops another serious life-threatening illness such as pneumonia *must* be treated for the pneumonia. One should not hesitate unless the therapy for the intercurrent illness might aggravate the primary illness.

Finally, specifically addressing the issue of intravenous feedings for terminally ill patients, Rabbi Feinstein says that

for an incurably ill patient who has difficulty breathing, I have already stated that one must give him oxygen to relieve his suffering. It is also clear that such a patient who cannot eat normally must be fed intravenously since such feeding strengthens the patient somewhat even if the patient does not feel anything [i.e., is comatose]. Food is not at all comparable to medication since food is a natural substance which all living creatures require to maintain life.³⁶

The patient should be fed (orally or intravenously) only at the direction of the physician. However, one need not force-feed an adult competent patient if he refuses food, especially if he feels that the food might harm him. If a patient's perception is that something is harmful to him and if, nevertheless, it is applied, it may be dangerous for him. However, one should try to convince the patient to accept, and not refuse, the physician's recommendation.³⁷

34. Ibid., No. 74:2.

35. Ibid., No. 75:4.

36. Ibid., No. 74:3.

37. Rabbi Shlomo Zalman Auerbach states that a terminally ill patient must be given food and oxygen even against his will (in *Halakhah Urefuah*, Vol. 2, p. 131, 1981). However, one may withhold, at the patient's request, medications and treatments which might cause him great pain and discomfort. Rabbi Moshe Hershtler holds that withholding food or medica-

Feinstein concludes ³⁸ that, even in the final stages, the patient should be fed good things to maintain his strength for the little time that he has to live. Every patient is benefited somewhat in his dying moments by maintenance of his strength. Thus, one must do all that which is good for the patient (e.g., supportive care) including emotional support and pain relief and even the use of placebos to calm the patient's mind. This rule applies even to a very old man who becomes ill and claims that he has lived long enough.³⁹

Elsewhere,⁴⁰ Rabbi Feinstein permits a patient who will die without dangerous surgery to submit to the surgery even though it may hasten death because of the potential, however small, of the operation being successful, thereby adding years of life to the patient.

Rabbi Feinstein also discusses the topic of the removal of life support systems from a terminally ill patient.⁴¹ A respirator or other life support instrument may be removed only if it has been definitively established that the patient is dead, by criteria which Rabbi Feinstein previously cited,⁴² including the absence of spontaneous respiration. If the intravenous injection of a radioactive isotope shows no circulation to the brain, including the brain stem, the patient can be considered to be physiologically decapitated and if all other signs of death are present (e.g., no reflexes, absent caloric responses, flat electroencephalogram, etc.), the respirator may be moved. If the respirator has to be removed to allow the patient to be suctioned or to service the instrument and if, while the respirator is disconnected, the patient shows no signs of life as above, including the absence of respiration, the respirator need not be reconnected because the patient is dead.⁴³

tion from a terminally ill patient so that he dies is murder (in *Halakhah Urefuah*, Vol. 2, pp. 30-52, 1981). Withholding respiratory support is equivalent to withholding food, since it will shorten the patient's life. Every moment of life is precious, and all measures must be taken to preserve even a few moments of life. However, if the physicians feel that a comatose patient's situation is hopeless, they are not obligated to institute life-prolonging or resuscitative treatments.

38. Feinstein, *Op. cit.*, No. 75:6.

39. *Ibid.*, No. 75:7.

40. Feinstein, Responsa *Iggrot Moshe*, *Yoreh Deah*, Part 2, No. 58 and Part 3, No. 36.

41. *Ibid.*, Part 3, No. 132.

42. *Ibid.*, Part 2, No. 146.

43. This Feinstein position about the use and discontinuation of life-support systems is supported by Rabbi Eliezer Yehudah Waldenberg who states that it is not considered interference with the divine will to place a patient on a respirator or other life-support systems (Responsa *Ziz Eliezer*, Vol. 15, No. 37). On the contrary, all attempts must be made to prolong and preserve the life of a patient who has a potentially curable disease or reversible condition (*Ibid.*, Vol. 13, No. 89). Thus, one must attempt resuscitation on a drowning victim who has no spontaneous respiration or heartbeat because of the possibility of resuscitation and reversibility (*Ibid.*, Vol. 14, No. 81). One is not obligated or even permitted, however, to initiate artificial life support and/or other resuscitative efforts if it is obvious that the patient is terminally and incurably and irreversibly ill with no chance of recovery. One is also allowed to disconnect and discontinue life-support instrumentation, according to

Conclusion

Jewish tradition views death as inevitable and just. It differentiates between the body and the soul, acknowledging resurrection for the former and immortality for the latter. Jewish law requires the physician to do everything in his power to prolong life, but prohibits the use of measures that prolong the act of dying. The value attached to human life in Judaism is far greater than that in Christian tradition or in Anglo-Saxon common law. To save a life, all Jewish religious laws are automatically suspended, the only exceptions being idolatry, adultery, and murder. In Jewish law and moral teaching,

the value of human life is infinite and beyond measure, so that any part of life — even if only an hour or a second — is of precisely the same worth as seventy years of it, just as any fraction of infinity, being indivisible, remains infinite. Accordingly, to kill a decrepit patient approaching death constitutes exactly the same crime of murder as to kill a young, healthy person who may still have many decades to live.⁴⁴

Euthanasia is opposed without qualification in Jewish law, which condemns as sheer murder any active or deliberate hastening of death, whether the physician acts with or without the patient's consent. Some rabbinic views do not allow any relaxation of efforts, however artificial and ultimately hopeless, to prolong life. Others, however, do not require the physician to resort to "heroic" methods, but sanction the omission of machines and artificial life-support systems that only serve to draw out the dying patient's agony, provided, however, that basic care, such as food and good nursing, is provided.

Jewish teaching proclaims the sanctity of human life. The physician is given divine license to heal but not to hasten death. When a physician has nothing further to offer a patient medically or surgically, the physician's license to heal ends and he becomes no different than a lay person. Every human being is morally expected to help another human in distress. A dying patient is no exception. The physician, family, friends, nurses, social workers and other individuals close to the dying patient are

Waldenberg (*Ibid.*, Vol. 13, No. 89) and others, if one can establish that the patient is dead according to Jewish legal criteria (*Ibid.*, Vol. 9, No. 46 and Vol. 10, No. 25:4), that is, if the patient has no independent brain function or spontaneous cardiorespiratory activity. If it is not clear whether the respirator is keeping the patient alive or is only ventilating a corpse, the respirator must be maintained. Therefore, from a practical standpoint, Waldenberg advises that one use respirators with automatic time clocks set for a twelve or twenty-four hour period (*Ibid.*, Vol. 13, No. 89). When the respirator shuts itself off, one can observe the patient for signs of spontaneous respiration. If none are present and if the heart is not beating and the brain is irreversibly damaged, one does not reconnect the respirator. Finally, Rabbi Waldenberg asserts that blood transfusions, oxygen, antibiotics, intravenous fluids, oral and parenteral nutrition, and pain-relief medications must be maintained for a terminally ill patient until the very end (*Ibid.*, Vol. 14, No. 80).

44. I. Jakobovits, "Medical Experimentation on Humans in Jewish Law," in *Jewish Bioethics*, ed. F. Rosner and J.D. Bleich (New York: Hebrew Publishing Co., 1979), pp. 377-383.

all obligated to provide supportive, including psychosocial and emotional, care until the very end. Fluids and nutrition are part and parcel of that supportive care, no different than washing, turning, talking, singing, reading or just listening to the dying patient. There are times when specific medical and/or surgical therapy are no longer indicated, appropriate or desirable for a terminal, irreversibly ill dying patient. There is no time, however, when general supportive measures can be abandoned, thereby hastening the patient's demise.

Many legal jurisdictions and state medical and legal societies have enacted, or are considering, the adoption of guidelines on foregoing (i.e., withdrawing or withholding) life-sustaining treatment. The slippery slope has now reached the point where we are reclassifying basic supportive care such as fluids and nutrition as medical treatment to justify withholding or withdrawing it in certain cases. Where will the trend end? Will we soon consider active hastening of a person's death by a lethal injection to be acceptable legally and/or medically? At present, the courts have offered opposing rulings. Even if the courts legally sanction the withdrawal or withholding of fluids and nutrition in some instances, legal permissibility is not synonymous with moral license. What is legal is not always moral.

Since the decisions about withholding specific therapy for a terminally ill patient, about the discontinuation of life-support systems, about whether or not to employ resuscitative measures in a given situation, about the withholding or withdrawal of fluids, nutrition and oxygen are complex and not free of family and/or physician personal and emotional involvement and even bias, it seems advisable to consult with a component rabbinic authority for adjudication on a case-by-case basis.

^cAm Yisrael: *Jews or Judaism?*

NORMAN ROTH

THERE HAS BEEN A CONSIDERABLE AMOUNT of debate in recent years over the question "Who is a Jew?" and, yet, apparently hardly any thought has been given to the broader and perhaps more important question of "Who are the *Jews*," or, more precisely, what does being a Jew mean?

The reason for this lack of attention is not hard to discover: for most, the answer is "Judaism," by which is meant a religion. Not only is this the subjective perception of the majority of Jews, it is the unquestioned presupposition of all recent "sociological" studies of the American Jewish community, and it is the underlying assumption of both federal and state governments in relations with Jews. Jews are not a recognized ethnic minority; they are members of a religion.

Examples could be cited which would fill the entire space of this article. For instance, a task force report of the American Jewish Committee noted a perspective which

interpreted American Judaism [!] as the signal and single instance of the successful culmination of the process of Emancipation . . . the product [of which] was to be a Jew who participated fully in Western society in the public domain, and fully and loyally in the Jewish faith [!] in the private domain.¹

The National Jewish Population Study (1970-71), conducted by the Council of Jewish Federations and the latest national study but one which still has not been fully released, in its summary report also defined "Jewish identity" solely in terms of religion (membership in a "congregation," having received so-called "Jewish education" in a religious school, observance of rituals and holidays).² This was not merely the bias of the narrative report of that study, but, in fact, constituted the only means in the survey itself by which Jews could identify themselves as such. In other words, Jews who do not participate in any of these religious activities are not permitted to perceive themselves, nor are they perceived by the supposedly non-sectarian "professionals" conducting such studies, as having a Jewish identity at all.

There are some rare signs of a minority attitude which differs from this standard religious bias. In an informative article on Jewish family and

1. *The Future of the Jewish Community in America. A Task Force Report* (N.Y.: The American Jewish Committee, 1972), p. 8.

2. *Jewish Identity: Facts for Planning* (N.Y.: Council of Jewish Federations, 1974).

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identity, for instance, one author notes a recommendation that "a new category of Jew be created, namely, those who are members of the 'people' but not of the 'faith'."³ But he is there discussing non-Jewish partners of intermarriage who, nevertheless, feel some sense of Jewish identity and participate in secular Jewish activities and organizations.

The present article presents a purely personal point of view. Its purpose is to argue for the extension of this concept to *all* Jews who so wish to identify themselves, and to suggest, on historical grounds, that this is not a "new category" of Jew at all, but one with very valid roots.

Stripped of its theological mythology, the history of the origin of the Israelites in the biblical period is that of a long and gradual process of the joining together of separate clans, tribes and even individuals, often of widely disparate backgrounds and no natural affinities whatever. The process of uniting these independent groups into something even resembling a nation was not concluded until the reigns of David and Solomon, and even then not very successfully. After the death of Solomon, the nation again broke up into separate kingdoms. The very nature, much less the content, of "religion" in the life of this people throughout the whole biblical period is very problematic.

The Bible itself reflects this. It is of great importance to note that the word constantly used to refer to the Jews throughout the Bible is "people," *am*. There is no word in the Bible for "religion." The Hebrew word, *dat*, first appears at a very late period, in the book of Esther, where it refers to laws or statutes of the king, and not yet to "religion," a meaning which the word took on only in the medieval period under the influence of Arabic.

The term "Judaism" is an innovation of the Hellenistic period, and is found for the first time, in Greek, in II Maccabees 2:21 and 8:1. It was not a term which caught on in traditional sources.

The sages of the Talmud and the traditional medieval codifiers of Jewish law (e.g., Maimonides in his classification of the commandments — nor does Nahmanides, in his strictures, there disagree), did not enumerate "belief" in God as one of the divine commandments. It was, of course, assumed, but the essential thing was the keeping of the commandments and observance of the various biblical and rabbinical laws. Indeed, medieval authorities evolved the concept that "an Israelite, even though he transgresses, remains an Israelite," i.e., it is impossible to leave the Jewish people and cease being a Jew.⁴

Little time was spent in the Middle Ages debating who was and who was not a Jew, or what a Jew was. This is not, as often popularly supposed,

3. Chaim Waxman, "The Threadbare Canopy: The Vicissitudes of the Jewish Family in Modern American Society," in Marshall Sklare, ed., *American Jews! A Reader* (N.Y.: 1982), p. 140.

4. See, in Hebrew, Jacob Katz, "Yisrael af-^{al} piy she-^{ha}tah Yisrael hu," *Tarbiz* 27 (1958): 203-17.

because there was universal acceptance of the Jewish laws and observance of the Jewish "religion." It is not generally realized the extent to which, even in the medieval period, relatively large numbers of Jews were *not* observant. Not only did many not concern themselves with various rabbinical laws and practices, but even such fundamental biblical observances as the Sabbath or putting on *tefillin* were sometimes ignored. Jews, particularly in Spain, were far from scrupulous in maintaining dietary restrictions,⁵ yet no one doubted that they *were* Jews, least of all they themselves.

It was not until the situation changed drastically in the late fourteenth and fifteenth centuries, when masses of Jews in Spain began to convert willingly to Christianity, that a new legal category of *yaza mi-kelal Yisrael* (one who has abandoned the Jewish people) emerged. Here was an innovation, and it had to be explained that what was being dealt with at this new period was not the Jew who had changed his "religion," presumably under duress and only temporarily, but still remained part of the essential Jewish people, but, rather, one who had abandoned totally the Jewish *people* and had "become [part of] another people altogether."⁶

There is another dimension to the change of status of the Jews from a people to a religion, and that is the role of Christianity. In the Greek Hellenistic world, the Jews were universally recognized (not just in Israel, but throughout the Diaspora) as a people. This conferred upon them a certain very definite legal status which the Romans accepted and which, in turn, affected their attitude toward the Jews. In Roman legal sources, Jews are defined as "law," *nomos* and "nationality," *ethos* (it will be noted that both these terms are Greek), and only incidentally and rarely as a religious law, *sacra*. Jews were a community or nation with a religious law that was recognized as *religio licita*, a "legal" or permitted religion. Christianity, of course, was not so recognized.

It is well known that the early Christians took over for themselves the concept of "Israel," calling themselves the "true Israel," *verus Israel*. Theologically, this was an effort to claim for Christianity all of the promises that the so-called "Old Testament" made to the Jews, but, politically, it was an effort to gain some measure of legal recognition from the Roman authorities. In the course of events, with the conversion of the Eastern

5. These things are well known to careful historians of Jews of the medieval period. Examples can be found in such medieval works as *Sefer Hasidim*, Abraham of Cologne's *Keter Shem Tov*, the *Sefer ha-Hinukh*, etc. Moses of Coucy, for instance, says that as a result of his preaching in Spain "thousands began to observe the commandments of *tefillin* and *mezzuzot* and *zizit*" and that many also "put away their foreign [Gentile] wives" (*Sefer Mizvot ha-Gadol*, "positive" No. 3, "negative" No. 112). Responsa of the Spanish Jewish authorities are full of problems concerning such things as eating and drinking with Gentiles, etc.

6. For the fifteenth century and later, see Ben Zion Netanyahu, *The Marranos of Spain* (N.Y., 1973, revised), all of chapter two; for the fourteenth century, I have in press (chapter of a book on marginality in medieval Spain) a paper, "Some Misconceptions and New Information Concerning *Conversos* in Medieval Spain," which discusses these matters in detail.

(Byzantine) empire to Christianity and the Barbarian invasions which brought the inevitable decline of the Roman empire to final realization, the Christians won their point.

Now, in the new Christian Byzantine empire of the fifth and sixth centuries, it is interesting to observe the slow but progressive change in the legal status of "Judaism," which was no longer recognized as a nationality but, rather, as a religion, cult, and superstition, to which, very soon, harsh polemical adjectives were appended: abominable superstition (*nefanda superstitio*), dead sect (*secta feralis*), impious, insulters of the Christian faith, blind, etc.⁷

Those scholars, unfortunately a minority, who have argued that the Jews as a nationality did *not* disappear after the destruction of the Temple and the end of Palestinian autonomous hegemony, and that it was precisely because the Roman law recognized the Jews as a *nation* that they were able to survive, are absolutely correct.⁸ The change in this status and this recognition came at the hands of Christianity, in whose interest it was to deprive Jews of any claim to nationhood. While the Byzantine laws, written in Greek, did not have any lasting impact on attitudes to Jews in most of medieval Europe, there can be little doubt that they certainly did influence the similarly harsh anti-Jewish legislation of Visigothic Spain, whose laws, in turn, were taken over verbatim from the canon law codes of the medieval Church, both the *Decretum* and later the *Decretals*.

This is not intended to mean, let me hasten to add, that the common misconception of the medieval Church as a monolithic institution dedicated to the hatred of Jews is correct. Quite the contrary, the intent of most of the canon laws concerning the Jews is benign and, as the Jews themselves very well knew, they seldom had better or more powerful supporters than the Popes.⁹ The point is, rather, that in its official attitude to the Jews as a whole, rather than specific relations between individual Jews and Christians, religious law viewed them as members of a cult, sect, or "superstition," and not as a people or nationality.

Early medieval secular law in Europe did not deal with Jews at all. Only in privileges or charters, granted by kings or other secular overlords of cities, were Jews mentioned and, at first, only as individuals. Gradually, these laws came to include, first, all the Jews of a particular city and then of a country. Nevertheless, due largely to the inadequate knowledge of Roman law and failure (especially in the "Holy Roman Empire") to de-

7. See, e.g., Jean Juster, *Les Juifs dans l'empire romain* (photo rpt. ed., N.Y.: Burt Franklin, s.a.; first published 1914), I, 252-53.

8. For instance, Salo W. Baron, *A Social and Religious History of the Jews*, II, 104; Juster, *Op. cit.*, p. 161.

9. Those who are interested in a generally accurate and unbiased account of the true relationship of medieval popes and the Jews should consult Edward A. Synan, *The Popes and the Jews in the Middle Ages* (N.Y., 1965). My eventual book on relations between Jews, Muslims and Christians in medieval Spain will contain additional evidence, including some surprising Jewish sources.

velop anything like a coherent or unified system of law, there was nothing to counteract the official Christian picture of Jews as a "religion."

Islam, like "Judaism," is also not a religion but a civilization. This essential difference between Islam and Christianity has been, and continues to be, the source of much misunderstanding both in popular notions and even in scholarly investigation. Inevitably, there was much more in common between Islam and the Jewish civilization than there was between either and Christianity. Theological diatribes aside, relations between Muslims and Jews during most of the Middle Ages were generally favorable, or, at least bearable. The legal status of Jews (and, indeed, of Christians) in Muslim lands was that of "people of the Book" (*ahl al-kitab*; i.e., people who venerated the scriptures). They were, that is, a *people* and not a religion. As such, they were granted a degree of autonomy and independence not normally possible (except for Spain) in Christian lands. (This is something of an oversimplification, and would need to be qualified for each individual country and period, but, as a whole, it is an adequate statement.)

It is thus not surprising that the full and complete flowering of Jewish civilization came about precisely in Muslim lands (chiefly, of course, Spain, but also Iraq and North Africa in the earlier period). Here only do we find the first great renaissance of the Hebrew language which produced the scientific study of Hebrew grammar, an impressive corpus of secular poetry, critical biblical commentary and a purely secular Hebrew literature of delightful fiction.¹⁰ Here, too, developed Jewish philosophical and scientific scholarship to a level which was literally the envy even of Muslim scholars. Medicine was so universally studied by Jews that one may almost take it for granted that a Jew, say, of Muslim Spain was a physician or at least capable of practicing medicine when necessary (like Judah ha-Levi, for instance). The other arts were not neglected, as the magnificent synagogues of Spain or the beautifully illuminated manuscripts remind us. Jews were also instrumental (unintentional pun) in bringing music to Muslim Spain, and even in Christian Spain they were sought after as highly skilled musicians.

Quite otherwise was the situation throughout Christian Europe. A few pathetic compositions of Hebrew verse, moral tales aside, only allegorical interpretation of the Bible (increasingly, only of the Torah, which was all that most Jews could really understand of the Bible) and a growing forest of commentaries and commentaries upon commentaries of talmudic and legal compendia emerged. There is not a single exception to

10. I have written extensively about these topics; cf., e.g., "The 'Wiles of Women' motif in Medieval Hebrew Literature of Spain," *Hebrew Annual Review* 2 (1978): 145-65; "The Lyric Tradition in Hebrew Secular Poetry of Medieval Spain," *Hispanic Journal* 2 (1981): 7-26; "'Deal Gently With the Young Man' — Love of Boys in Medieval Hebrew Poetry of Spain," *Speculum* 57 (1982): 20-51; and "Jewish Reactions to the 'Arabiyya and the Renaissance of Hebrew in Spain," *Journal of Semitic Studies* 28 (1983): 63-84.

which one can point — not a single philosophical treatise or scientific one, not a single secular poem or literary piece — until well into the modern period (the one apparent exception, an astronomical work by David Gans in the sixteenth century, was by an author of Italian origin).

This is not to say, of course, that this body of religious treatises and commentaries is without value. On the contrary, much of it aids even modern scholars in a clearer understanding of the Talmud and Jewish law. Even in this realm, however, there is no denying that, by far, the most important biblical commentaries, talmudic commentaries, and works on Jewish law were produced not by Jews of France or Germany, but precisely in Spain.

What is most important for our present purpose is to realize that the totality of Jewish civilization was forgotten as the writings of the Jews of Spain and of the Muslim world were forgotten (except only for talmudic commentaries and legal works). Jewish civilization gradually and inevitably became a *religious* way of life.

This erosion of Jewish civilization could have been checked in Italy and in North Africa and Turkey, countries where the minority of Spain's Jews who chose to remain as Jews went to settle. However, for reasons too complex to detail here, the promising beginnings of the revitalization of that culture in those lands was not to last.

The initial hospitable welcome given to Jews fleeing from Germany into Poland and Lithuania was also destined not to last. Given the wretched history of Jewish-Gentile relations in Central and Eastern Europe, it is no wonder that Jewish civilization did not prosper; the wonder is that Jews survived at all and produced the works of talent and genius which appeared in talmudic studies.

It is also not surprising, given the generally wretched state of Jewish existence everywhere in Europe at the beginning of the modern era, that Jews in France welcomed enthusiastically the first apparent signs of light and toleration. The period of "emancipation" had come, so they thought, with the French Revolution. But we must not forget that, for the most part, it was precisely the virtually assimilated Marranos of Bordeaux who argued most vigorously for this "emancipation."

The supposed "emancipation" of the Jews involved three stages, the first of which (the "Declaration of the Rights of Man") included certain laws of non-discrimination because of *religion*; the second saw the granting of certain specific rights to some Jews, but not to all; and the final was the debate over "active citizenship," whether or not to include Jews. It was in this debate that Count Clermont-Tonnerre made his famous, often quoted but often misunderstood, remark, "To the Jews as a nation we should give nothing; to the Jews as people we should give everything." This was hardly a resounding call for toleration by some champion of the Jews and their rights; rather, it was a conservative demand that Jews cease being a "nation" altogether and assimilate to the French people. There

was no room, it was argued, for the existence of "a nation within a nation."¹¹

It was a commonplace of even the most "civilized" and "enlightened" of French thought that the Jews, anyway, were scarcely a nation. Voltaire, even arguing for a limited degree of toleration of Jews, wrote that they had produced no culture of their own but had only borrowed from their (equally uncivilized) neighbors in ancient times.¹²

Even Jewish champions of emancipation were hardly any better. Mendelssohn, for instance, had no more understanding of the Jewish "nation" than he did of the German. He argued well and nobly for toleration and equality of *belief*, but he paved the way for assimilation of German Jews just as others did for the Jews of France.

Did the Jews of France courageously unite and adamantly reject this call for their disappearance as a nation? They most certainly did not. With the exception of the orthodox, chiefly of Alsace-Lorraine, an insignificant minority, they welcomed the proposal enthusiastically. Assimilation proceeded in France to an alarming degree. When Napoleon came to power, he almost immediately turned his attention to the "Jewish question." His minister of religion reported to him that, unfortunately, the Jews were still "less a religion than a people," and this was something which Napoleon was determined to correct.

Accordingly, he summoned his infamous "Paris Sanhedrin" in 1806 and put to them several demands. Some, such as that they recognize themselves as Frenchmen, bound to defend their country, could certainly not be objectionable. Others ought to have been: for example, that they permit, and, indeed, even encourage, intermarriage.

The most serious and dangerous response, however, which was to have far-reaching implications and change irrevocably the entire history of the Jewish people was the firm and unhesitating renunciation of *being* a people. The Jewish delegates unhesitatingly proclaimed that the Jewish nation had ceased to exist. The Jews were no longer a *people*, but a *religion*; they were "Israelites," Frenchmen of the "Mosaic persuasion."¹³ Henceforth, these and similar sentiments were increasingly expressed in France, Germany, and elsewhere.

As part of the reaction which set in against Napoleon, a reaction in

11. See, for example, the still very useful analysis of Simon Dubnow, in the unfortunately barbarous English translation of *History of the Jews* (N.Y., 1971) IV, 505 ff., and see especially Arthur Hertzberg, *The French Enlightenment and the Jews* (N.Y., 1968). See also Jacob Katz, "A State Within a State: The History of an Anti-Semitic Slogan," *Israel Academy of Sciences and Humanities, Proceedings* IV (1971): 79-126.

12. Voltaire, "Philosophical Dictionary," in *Works*, ed. and tr. W.F. Fleming, X, 74 and XIII, 201, and "Histoire de l'établissement du Christianisme," *Oeuvres* (1880) XXX, 48.

13. The decisions of the Paris "Sanhedrin," in Hebrew and French, were published in 1812 (photo rpt., *Taqqanot Sanhedrin shel Paris*, Jerusalem, 1978), and the complete record of the proceedings translated into English, *Transactions of the Paris Sanhedrin* (London, 1807). See especially the replies to Questions Five and Eleven.

which many Jews, too, felt that they had been deceived, if not betrayed, Jews worked tirelessly to champion the new cause of “nationalism” everywhere in Europe.

At least part of this story, such as the fundamental role of Jews in the developing nationalism of Italy and Czechoslovakia (the very emergence of which as a nation would scarcely have been possible without the Jews), has been detailed by historians, while that of other countries, such as Poland, has scarcely been realized. Jews worked ardently, indeed, for every form of nationalism except their own. Did they truly expect that, once established, these newly independent nations would welcome their Jewish “brethren” with open arms? Apparently; but if so, it was a hope not even remotely to be realized.

The second threat to Jewish civilization in the modern period was more closely brought about by the Jews themselves. The followers of Mendelssohn who did not completely assimilate, or, like his own children, convert to Christianity, became the enthusiastic proponents of “re-forming” the Jewish religion. Some of the arguments for this new movement were naive and misguided, while others were more plausible and realistic. In the first category can be placed the claims that Christians disliked Jews primarily, if not exclusively, because of the “different” and unfamiliar forms of their religion. Eradicate or change those differences, the argument went, and the hatred would disappear. Was the term “synagogue” objectionable? Change it to “temple,” which, after all, is in the Bible. Does a belief in the coming of the messiah, who still has not arrived, offend? Do away with it entirely, and substitute a watered-down “messianic mission” of peace and brotherhood to the nations of the world.

Comfortable now in their newly christened “temples” with their German prayers and Bible readings, Reform Jews were almost sure that their Christian “neighbors” would embrace them eagerly. One more step was needed, which they did not hesitate to take and with the same enthusiasm that they had displayed in clearing away the cobwebs of thousands of years of Jewish practice and belief: to reassert the clarion call of the motto of the Jews of the French Enlightenment: “We are not Jews, we are Israelites,” or Germans of the “Mosaic persuasion.”

Two important phenomena emerged from this movement, both of which continue to have a lasting and disastrous impact on Jewish life in the United States. In the first place, the term “Judaism,” still almost unknown anywhere in Eastern Europe, increased in popularity. It began to appear in a flood of publications, books, newspapers, magazines and proclamations. Thus was firmly established the dangerous and totally false myth that there is no such thing as the Jewish *people*, only adherents of a *religion* called “Judaism.” The second was the virtual disappearance from Jewish life and consciousness of the Hebrew language. Ironically, particularly in the United States, the greater was the eradication of the Hebrew language at the hands of Reform “Judaism,” the more was the

term "Hebrew" employed -- magazines like *The American Hebrew*, *Hebrew Union College Annual*, and institutions like the Union of American Hebrew Congregations and the rabbinical school, *Hebrew Union College*.

Meanwhile, in Eastern Europe, something altogether different was taking place. There, such subtleties as whether calling your place of worship "temple" instead of "synagogue" might be less offensive receded before a brutal anti-Semitism quite different from anything a German Jew could have imagined. The result of these very real persecutions and pogroms was not, as might be imagined, a decline in the vitality of Jewish life and culture, but, rather, the opposite. In spite of wildly fluctuating government policies, as well as attempts from within and without to impose "enlightenment" on the Jews, *yeshivot* multiplied, and other forms of traditional Hebrew (note the word) education followed suit. In Lithuania, besides the numerous *yeshivot*, there were over 130 public and secondary Jewish schools. In Poland, an estimated 35-40% of Jewish children attended Jewish schools; in Russia, an estimated 50% attended the traditional *heder*. The various Zionist organizations had their own schools, the Yiddish advocates their own, orthodox groups of every kind each had their own. Nor were girls neglected, as several different kinds of special girls' schools were organized and flourishing.¹⁴

The point is that traditional Jewish life was preserved, while no religion called "Judaism" existed. On the other hand, the foreign and false "enlightenment" which assimilationists sought to impose upon Eastern European Jews died before it had a chance to be born.

However, a true Hebrew enlightenment, the *Haskalah*, was born. This was the second great renaissance of the Hebrew language, literature and poetry, which was to ensure that Hebrew would survive, at least in modern Israel. It is surely no accident that, without exception, all of the great writers and thinkers of this movement, as well as most, if not all, of the early advocates of Zionism in Eastern Europe, came out of a traditional Hebrew background. The important thing for them was not "religion." Indeed, almost all of them abandoned their traditional Jewish way of life. What created the vitality of these movements and served as the source of inspiration and knowledge which permitted them to exist and flourish, was the Hebrew culture of the Jewish people.

We may understand how very far American "Judaism" is from any possibility of such vitality when, in contrast with the previously cited figures on Jewish education in the persecuted lands of Eastern Europe, we recall that less than 33% of American Jewish children have ever received any kind of Jewish education, even "Sunday school"!

Something else happened with the emergence of a secularized Hebrew "enlightenment" in Eastern European Jewry. With a broad base of

14. See on this especially the insightful article of Kurt Stillschweig, "Nationalism and Autonomy . . .," *Historia Judaica* 6 (1944), particularly pp. 63-64.

educated Jews able to read Hebrew on a sophisticated level, the way was open for a rediscovery of many of the cultural riches of the Jewish past. The earliest editions of medieval secular Hebrew poetry were produced. Journals and books devoted to the study of the totality of the Jewish civilization, not just talmudic law, soon emerged. Indeed, the "orthodox" Jews were by no means universally opposed to such "secular" Jewish culture. Contrary to widely-held myth, Bialik, for instance, was never expelled from his *yeshiva* for writing poetry. On the contrary, both the rabbis and students enthusiastically read his work. Important rabbinical sages knew of, and supported, the scientific investigation of Jewish culture, and also encouraged the efforts of early Zionist colonization, even by "non-religious" groups.

The tragic annihilation, not only of the Jews but of virtually the whole of Jewish civilization, in the Holocaust, means that another renaissance of Jewish civilization can come only in Israel or in the United States. There are many reasons why it is apparent that such a renaissance will not, in fact, take place in Israel, at least in the near future. Is the American Jewish community equal to the task?

Frankly, the answer must be no, or at least a tentative no. If it is to happen, it will require courageous new and revolutionary ways of thinking. "Judaism" must be abandoned, or, at least, relegated to a secondary place of importance, in favor of *Jewish civilization*. Let me explain that this does not mean an argument against "religion." But it is impossible to go back to the past. Just as it is no longer possible for the vast majority of Jews to be scrupulously observant of every biblical commandment and every rabbinical law, it is equally untenable to adhere to the antiquated and dangerous myth of "Judaism," a religion to the exclusion of peoplehood.

The model that we must strive for is, rather, that of a continuum, on which there is room for every kind of Jew, from the most observant to those whose interests are entirely secular. In other words, every Jew must be free to perceive his or her Jewish identity in whatever way is most meaningful. The door must no longer be shut to anyone who does not perceive that identity exclusively in terms of "religion."

There is cause for alarm in the fact that, with the single exception of academic programs in Jewish studies (some of which are also under religious influence), all of the important institutions of Jewish life in America are under religious control. There is no possibility of obtaining a Jewish education other than through affiliation with some denominational religious school (even so-called "community" education programs are religious in content). Parents can choose the particular kind of religious propaganda for indoctrinating their children, but that is the only choice they have. The only viable youth groups in this country are also religiously controlled and sectarian. Rabbis are the exclusively acknowledged leaders and representatives of the Jewish community.

The status quo might have been defended if the current system were proving satisfactory and successful. This is, however, far from being the

case. Huge and expensive buildings, called "temples" or "congregations," stand empty throughout the year, to be filled only for the annual assuaging of guilt combined with a fashion show. So-called "Jewish education" is a farce in which children neither learn to read Hebrew nor, more importantly, anything of value or factually correct about their heritage. They do, however, learn to hate anything Jewish, so that a bare ten percent or so of them will take any college course on a Jewish subject.

Restructuring the educational programs of our communities to allow at least for one alternative, non-religious, school, or providing some serious Jewish educational programming in Jewish community centers would go a long way toward preparing the ground for the potential renaissance. Equally important would be the strengthening of programs of Jewish studies in colleges and universities, and the utilization of the resources of these programs for the larger Jewish community.

Jewish community life must not focus exclusively on the current alternatives of "religion" and Israel. It appears that to be a Jew in America today means giving money to a temple to which you do not go and giving money to Israel, to which, also, you do not go. It follows that if you don't have money, there is no way in which you can be a Jew.

However, new ways must be found. Concerned groups of Jewish adults can meet together, for instance, in someone's house to study and discuss one of the many great Jewish classics available in English translation, or to study a period or a special topic in Jewish history. I know of a highly skilled surgeon, a professor at a medical school, serving as a leader of a study group on the intricacies of Maimonides' *Guide*. Faculty of Jewish studies programs and even Jewish faculty in other areas of study, could be asked to help with such projects, or with the examination of Jewish contributions to music, art, or science through the ages.

It should be very clear that what is being argued is not the *replacement* of Jewish "religion" by a Jewish secularism, but, rather, a reclaiming of the total experience of Jewish civilization. Specifically, there are a great many Jews who currently are cut off and feel left out; who can identify neither with the annual money-raising drives for Israel nor with "joining a temple." To read such Jews out of Jewish life, to deny them the possibility of a meaningful and positive Jewish identity, is a tragic mistake and a luxury which the Jewish community can no longer afford.

The intent of this article has not been to provide answers, but to raise questions, to help focus attention on the problem. As is always the case, solutions are not easy and answers do not come quickly. That the problem is very real I know from years of experience with students and from travels to Jewish communities throughout the country. There is a vast, untapped wealth of resources of intelligence and concern among American Jews that can be the catalyst for the third renaissance of Jewish civilization in the Diaspora. "Remembering" is not enough; we are commanded to do more, and we dare not answer, No.

A Narrative Jewish Theology

STEVEN D. KEPNES

THE QUESTION OF THE PLACE OF AGGADAH, of narrative, in Judaism arises in the Torah. Rashi's commentary starts with the question in the name of Rabbi Yizhak.

Rav Yizhak said: Since the Torah is the book of laws it should have begun with: "This month shall be to you the first of months" (Ex: 12,2), for that was the first commandment given to all Israel. Why then did it begin with the narratives of creation?¹

In responding to this question, in their commentaries on *Bereshit*, both Rabbenu Bahya ben Asher and the Hofez Haim suggest that the Torah begins with stories of creation to lead us to knowledge of God. *Bereshit* provides us with the narratives of God's actions in the beginning. It teaches us the "ways of God with his creatures and His creation."² It reveals to us something of the purpose of that creation. Thus, the Torah begins with the stories of *Bereshit* to supply us with knowledge of God and to encourage us to think theologically.

The answers of Rabbenu Bahya and the Hofez Haim to Rashi's question follow the logic of the well-known Rabbinic saying:

If you desire to know Him by whose utterance the world came into being, study the Aggadah, for through it you will discover Him who, by his utterance, called the world into being.³

What we see here is the very interesting link-up between thought about God, between Jewish theology, and aggadah.

I

Theology, ostensibly, has not been a central concern of Jews. The fact that our commentaries had to justify the theological statements implicit in *Bereshit* suggests its questionable status. Halakhah, the set of rules for the ways in which Jews are "to walk" or to behave in business, in family life, in the temple and in the synagogue, dominates Judaism. The Rabbis

1. Rashi on Gen. 1:1. Tr., Meir Zlotowitz, *Bereshit* (ArtScroll Tanach series, Vol. 1, New York: Mesorah Pub., 1977.)

2. Samuel Greiniman, ed. *Hofez Haim Al HaTorah* (Tel Aviv: Sifreshi, 1967), *Bereshit* 1. See also Rabbenu Bahya's commentary on the Torah, *Bereshit* 1.

3. *Sifre* on *Devarim*, Akev.

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always seem more preoccupied with how people act than with what people think. Thought about God, in particular, seems restricted.⁴

Yet, though Jewish theology appears subordinate to halakhah, Solomon Schechter suggests that it is certainly not unimportant.

A great English writer has remarked "that the true health of a man is to have a soul without being aware of it; to be disposed of by impulses which he does not criticize." In a similar way the old Rabbis seem to have thought that the true health of a religion is to have a theology without being aware of it; and thus they hardly ever made — nor could they make — any attempt towards working their theology into a formal system, or giving us a full exposition of it.⁵

Schechter's image of Jewish theology as the "soul" of Judaism is a very helpful one. Jewish theology is at once the soul of Judaism, its very life-blood, and that which cannot be seen or fully expressed. It is the inner secret, the protected, the hidden.

Why hidden? Why secret? Simply because God is such.⁶ Thought about a hidden and concealed God must also be hidden and concealed. It cannot be encapsulated into a formal system. As Schechter says, it cannot be given a full exposition. That is why there are no great systematic theologies in Judaism. In relation to Christianity, it may seem that there is no theology at all. And if theology must be defined in terms of system, Judaism appears bereft of it. Yet, if the theological enterprise is more loosely conceived of as thought about God and his relationship to His creation, if theology means, in the words of Arthur Cohen, *Theothaumazien* or "God-wondering," then certainly Judaism has it and has developed a very sophisticated method to express it. That method is narrative — aggadah.⁷

Why aggadah? Because, as Moshe Haim Luzzato⁸ has argued and contemporary critics Paul Ricoeur⁹ and Frank Kermode¹⁰ have shown,

4. "Seek not out the things that are too hard for you, and into the things that are hidden from you inquire not. In what is permitted to you instruct yourself — you have no business with secret things." We find this statement of Ben Sira 3:21 repeated in Midrash *Rabba* on Genesis 8 and in *Hagigah* 13a.

5. Solomon Schechter, *Aspects of Rabbinic Theology* (New York: Schocken, 1961), pp. 11–12.

6. For an interpretive presentation of the "Hidden God" concept see Beryl Gershenfeld, "Hidden Beginnings: The Process of Discovery," *The Jewish Observer* (Sept., 1983): 25–28.

7. Arthur Cohen, "The Holocaust and Christian Theology." Paper given at the International Symposium on "Judaism and Christianity Under the Impact of National Socialism," Jerusalem, Israel, June 27, 1982. In the opening part of this talk Cohen argues that Jewish *Theothaumazien* has traditionally been expressed in narrative forms.

8. Moshe Chaim Luzzatto, *Al HaAggadah*. See, also, Abraham Maimon, "Introduction to the Aggadah," in S.H. Glick (ed. and trans.), *En Jacob: Aggadah of the Babylonian Talmud*, Vol. 1 (1916).

9. Paul Ricoeur, *Freud and Philosophy* (New Haven: Yale University Press, 1970), pp. 16–19 and p. 496ff.; *The Rule of Metaphor* (Toronto: University of Toronto Press, 1977); "The Narrative Function," *Semeia*, 13 (1978); *Time and Narrative* (Chicago: University of Chicago Press, 1983). Although I do not always agree with Ricoeur's interpretations of Judaism, his

narrative, with its devices of metaphor and symbol, is the art of concealing and revealing, hiding and showing. Hidden in the multiplicity of events in a plot is the theme which brings intelligibility. Behind the manifest content of a symbol is a latent order of meaning. Rising out of the linguistic clash of meanings in metaphor is a moment of semantic disclosure.

Jewish aggadah exploits the resources of language — its ability simultaneously to conceal and to disclose, to give us hints and allow us to ponder our relationship to God. In biblical narratives, God is both hidden and revealed — revealed as a voice heard, a presence felt — but hidden as a face never seen. It is God who stands behind all of the biblical narratives assuring that, ultimately, there is a theme, a purpose, an intelligibility. It is to God that the biblical symbols point — the mountain, the well, the ladder, the burning bush — without totally disclosing. The first reason, then, why Jewish theology is aggadic is that aggadah, with its devices, is the most adequate linguistic tool to lead thought to a hidden God.

If we use biblical narratives as our paradigm for stories about God, there is an interesting observation to be made. God is told about through stories of men and women, through thoroughly human earthly events. It is through what Fackenheim calls “root experiences” and “epoch-making events” that God discloses himself.¹¹ As Exodus 10:2 suggests, it is through God’s actions and the stories of these actions that we come to know Him.

So that you will tell in the ears of your son and your grandson what I wrought in Egypt . . . That you will know that I am the Lord.

Given this, we can formulate an additional reason why Jewish theology is aggadic. Narrative form is the best way to relate events. Narrative presents the outer details and facts as well as the inner emotions of those who experience a great event,¹² and manages to relate the power of miraculous events to the future. As Martin Buber has said:

Story is more than a reflection; the holy essence it testifies to lives on in it. The miracle that is told acquires new force; power that was active is propagated in the living word and continues to be active — even after generations.¹³

Buber suggests that stories about events, by being retold can “in themselves become events.”¹⁴ As an event, narrative is not merely a literary device, an illustration or an example; it is an evocation, a recreation

work on symbol, metaphor and narrative greatly affected the formulation of my position in this paper.

10. Frank Kermode, *The Genesis of Secrecy* (Cambridge: Harvard University Press, 1979), chapter 2.

11. Emil Fackenheim, *God’s Presence in History* (New York: Harper, 1970), pp. 8–9.

12. See Martin Buber, *Moses* (New York: Harper, 1958), p. 14 and pp. 75–77.

13. Martin Buber, *The Tales of the Hasidim: Early Masters* (New York: Schocken: 1970), p. v.

14. *Ibid.*

of an originaive religious experience. It is because of this capacity of narrative to re-present a religious event that we can say in the Passover Seder, "God brought us, those of us who are here today, out of slavery in Egypt."

Thus, God's presence in history in the Exodus is transferred to narrative and, thus, we have God's presence in story. If God can be present in story, the Rabbis seemed to think that more story would bring out more of the presence of God. Indeed, we are commanded to tell and retell, on the Passover evening, all aspects of the Exodus.

Rabbinic theology elucidates and explains and reflects upon God by supplementing biblical narratives with more narratives. These narratives are called *midrashim* — interpretations. Much rabbinic theology is aggadic and hermeneutical at the same time. The rabbis interpret a tale by telling another, and elucidate theological meaning by filling in the gaps in biblical narratives with more narratives. Kermode astutely defines Rabbinic midrash as "narrative interpretations of narrative," "a way of finding in an existing narrative the potential for more narrative."¹⁵

This is one way that Jewish theology continues the dialectic of disclosure and concealment. A biblical narrative is interpreted, not by a clear presentation of its theme or meaning, but by the telling of a new tale about an aspect of an old one. This new tale, in turn, discloses by answering one question and conceals by raising new questions.

For example, *Bereshit Rabba* has this comment to make on verse 22:10 in the *Akedah* story:

The verse: "Abraham stretched forth his hand."

The midrash: "He stretched his hand to take the knife while tears streamed from his eyes, and these tears, prompted by a father's compassion, dropped into Isaac's eyes."

To the sparse, dry biblical narrative, this midrash adds Abraham's emotion and compassion. It helps us to understand and feel more intimately the difficulty of Abraham's test and the extent to which God goes to test His leaders. But the story also raises new questions. What is the significance of the fact that Abraham's tears fell into Isaac's eyes? This question is, in fact, answered in another midrash which states that the tears caused Isaac's eyes to become dim and this was done to allow Jacob to steal Esau's blessing.¹⁶ But this answer leads to more questions and more narrative answers and on and on.

I have said that Jewish theology is aggadic because aggadah allows for the expression of a hidden God, a God hidden in human events and in the narratives that relate and interpret these events. There are, however, other aspects of the theological enterprise which make a narrative method particularly apt. These have to do with mediating the tradition of the past to the present.

15. Kermode, *Op. cit.*, p. xi.

16. Midrash *Rabba* and Rashi on *Bereshit* 27:1.

One of the clearest examples we have for the way in which Jewish theologians have employed aggadic midrash to respond to a contemporary crisis is found in Shalom Spiegel's *Me-Aggadot ha-Akedah*, translated as *The Last Trial: On the Legends and Lore of the Command to Abraham to Offer Isaac as a Sacrifice*. Spiegel shows how various midrashim on the Akedah were retrieved and retold in new narratives to comfort parents in the Middle Ages who had to slaughter their children to prevent them from being converted by the Crusaders. Rabbis of the time retold ancient midrashim that suggested that Abraham actually did sacrifice Isaac and wove them into new tales, creating aggadot that helped Jews preserve their faith and their Torah while facing the horror of mass infanticide. Here is an example of an aggadic work of the time.

He [Abraham] had but one, he hastened to obey.
That merit is on his descendants,
Time out of mind,
The more so when so many slaughter their
children . . .
No altar, no altar-ledge can contain their blood.
Let it atone for Jacob's iniquity.

The covenant, the oath
Are well known that you swore to Abraham . . .
If for one offering You granted grace,
All the more for these You will pardon
iniquity.¹⁷

The process of telling and retelling allows for what Howard Schwartz has called the imaginative "reintegration of the past into the present," and the maintenance of the essential and eternal aspects of Judaism.¹⁸

But Jewish theologians do not only retell and reinterpret tales to address the contemporary situation of Jews; they also tell stories to educate. The Gemara in *Shabbat* states that Moses used to teach through aggadah because it "attracts the heart of a person."¹⁹ A good story moves us existentially. It draws our heart, the center of our being, towards its message.

There seems to be an intricate connection between story and human experience. Stephen Crites has gone so far as to argue that there is an implicit "narrative quality to human experience."²⁰ Stories move us because they portray humans in the process of living. They present us with images

17. R. Joel bar Isaac, *Akedah* and R. Eliezer bar Nathan, "The Covenant and the Oath," as quoted in Shalom Spiegel, *The Last Trial: On the Legends and Lore of the Command to Abraham to Offer Isaac as a Sacrifice* (New York: Behrman, 1979), p. 27.

18. Howard Schwartz, "The Aggadic Tradition," *JUDAISM*, 125:32 (Winter, 1983): 101. See, also, Gary Porter, "Defining Midrash," *The Study of Ancient Judaism Vol. 1*, J. Neusner, ed. (New York: KTAV, 1981), p. 59.

19. Bab. Talmud: *Shabbat*, 87a.

20. Stephen Crites, "The Narrative Quality of Experience," *The Journal of Religion*, 39 (Sept., 1977): 291-311.

of ourselves, mirrors which fascinate us. Once so fascinated, we can be moved and redirected. This is what a good rabbinic story does: it captures our heart and redirects our energies to moral and spiritual aims.

Whether they be talmudic sages, medieval commentators, Kabbalists or hasidic masters, Jewish theologians teach through story. Jewish theology uses aggadic modes because aggadah encompasses the concrete and teaches the concrete. It teaches the practical wisdom which is the hallmark of Judaism. Narrative helps situate Jewish religious life in its proper sphere — the human world of everyday life. In aggadah, we see how the ideals of Judaism can be connected to life. It gives us examples of the ways Jews are to behave in the world — in business, in family, in synagogue.

Aggadah, then, brings us to halakhah. This is the somewhat startling conclusion that many who have taken aggadah seriously come to: aggadah — free flowing, poetic, imaginative, and colorful — the seeming opposite of dry halakhah, actually leads to halakhah.²¹

II

I have tried to explain a number of the reasons why classical Jewish theology has employed narrative modes. In the biblical, mishnaic and talmudic periods, the primary mode of Jewish theological expression was aggadic. With Saadia, in the 10th century, and the Rambam, in the 12th, we find the serious development of non-aggadic philosophical Jewish theologies. Yet it is interesting that these theologies never seemed to capture the popular Jewish imagination. The Rambam was much better known for his *Mishneh Torah* than for his *Guide of the Perplexed*.

The major pre-modern movements of Kabbalah and Hasidism both relied heavily on aggadic modes of theological reflection. The Kabbalists developed elaborate mystical narratives and the Hasidim used the sacred tale to spread Hasidism throughout Eastern Europe.

If we look at the modern period, we see a number of Jewish theologians who have proclaimed the viability of narrative methods in theology and whose work represents resources for the development of a modern aggadic theology. First, there are Rosenzweig and Buber. The former asserted that “narrative theology” must play a constitutive role in modern Jewish theology.²² He and Buber devoted much time to translating the Hebrew Bible, while Buber also dedicated himself to retelling hasidic tales. Although he is usually portrayed as a religious existentialist or philosopher of religion, I believe that a more proper category for his work is narrative theology.²³ He retold personal, biblical, and hasidic tales to open a dialogue between God and humanity, between God and the con-

21. See Bialik, *Halaka and Aggadah* (London: Zionist Federation, 1944).

22. Franz Rosenzweig, *The Star of Redemption* (Boston: Beacon, 1972), Part II.

23. See my University of Chicago dissertation, “Martin Buber’s Stories and Contemporary Narrative Theory” (1983).

temporary situation and between the Jew and his tradition. The issue of the historical accuracy of Buber's hasidic tales misses the theological thrust of his work. Like the authors of the Midrash who altered biblical tales in retelling them, Buber retold hasidic tales differently to open new vistas of meaning and to address what he saw as the contemporary religious situation.

Other contemporary theologians who have been particularly sensitive to narrative forms of Jewish theology are those who have addressed the problem of the Holocaust. Emil Fackenheim has argued that only an aggadic theology can express the deep contradictions and the radical challenge caused by the mysterious and terrible absence of God at Auschwitz.²⁴ And only narrative can express the memories, the guilt, and the exultation of Holocaust survivors. The most sensitive Jewish theological responses to the Holocaust have been aggadic. Arthur Cohen, Aharon Appelfeld, Primo Levi and, most importantly, Elie Wiesel have raised the key questions without providing superficial answers. Fackenheim has used the term "mad-midrash" to speak of aggadic Holocaust theology.²⁵ And Elie Wiesel's work is the primary example of it.

Mad-midrash refers both to the anger that survivors feel toward God and humanity as well as to the odd character of aggadic work that must express such a negative theological event as the Holocaust. Mad-midrash refers to an attempt to remain within the tradition by utilizing aggadic and midrashic themes to express the theological issues raised by the Holocaust. Like the medieval theologians who wove midrashim on the Akedah into their new aggadot, Wiesel weaves into his novels midrashic and biblical references to the exile, the suffering servant, and Job, to seek a response from the tradition to the situation. Wiesel's mad-midrash may challenge and even distort traditional aggadot, but, in the challenge and radical reinterpretation, the tradition is often further developed.

In employing aggadic methods the contemporary theologian connects him/herself with the theological method most extensively used by the Jewish theologians of the tradition. Yet is Jewish theology only aggadic and must a contemporary Jewish theology be limited to narrative forms of expression?

Certainly the theology of the past was not only aggadic. As I have already noted, aggadah is usually linked to halakhah, to law. Chaim Nahman Bialik, the great modern Hebrew poet and author of the *Sepher ha-Aggadah*, has argued that the halakhah is the "inevitable continuation and sequel of aggadah."²⁶ Jewish theology cannot live on story alone. Free-floating, evocative, inspiring, yet, as Bialik says, aggadah must "issue" in halakhah. Halakhah makes the message of aggadah concrete in prescriptions for action.

24. Fackenheim, *God's Presence*, p. 20.

25. Fackenheim, *The Jewish Return into History* (New York: Schocken Books, 1978), p. 265.

26. Bialik, *Halaka and Aggada*, p. 26.

In Tanakh, in the Hebrew Bible, we find theology presented in non-narrative forms such as the axiological statement of the *Shema*: "Hear, oh Israel, the Lord our God, the Lord is One," the aphoristic statements of Proverbs and the theological and ethical critical argumentation of the Prophets. A major talmudic work of practical theology, *Pirke Avoth*, is conspicuously lacking in narrative expression. And Gershom Scholem has argued that very important forms of mystical and Hasidic theology are expressed in non-narrative theoretical treatises.²⁷

Certainly, in the modern period, we have a wealth of non-narrative theologies of Judaism. The work of Hermann Cohen, Abraham Geiger, Leo Baeck and Mordecai Kaplan is highly theoretical and analytical. Three out of four of the contemporary theologians whom I mentioned previously rely heavily on non-narrative philosophical presentations. It is interesting that, though Rosenzweig and Fackenheim present arguments for narrative, they do not themselves write them. Buber does, of course, write narratives, yet, one is assisted in understanding them if one reads one of his more conceptual works such as *I and Thou*.

Although I would argue that a primary form of Jewish theological expression should be narrative, the Jewish theologian has never been limited to only one mode of expression and there is no good reason why that limitation should exist. Philosophical expression can be seen as a tool which helps make explicit the theme, the meanings, the "hidden God" whom narrative expression simultaneously conceals and discloses. If Jewish theology is abstract, ahistorical, linguistically anemic as pure philosophy it can also be opaque, equivocal and unsystematic as pure narrative.²⁸ In a world of slogans and ideologies where the tasks of the Jewish theologian are immense, analytical, conceptual, and argumentative skills are not to be eschewed. Yet, neither should these skills be allowed to replace a traditional mode of expression that has accomplished so much.

What does a narrative method do for Jewish theology and why should it be a primary language of modern theological expression? Because narrative is pliable and subtle enough to relate a sense of the hidden God of Judaism. It communicates the places and people and events wherein this God hides. It provides a vessel to hold the memory of these places, people, and events and to teach them to the generations. It provides a vessel for reflection upon the complexity and ambiguity of Jewish historical existence and, through creative retelling and variation, it makes old elements of the tradition applicable to new elements in the contemporary situation.

27. Gershom Scholem, "Martin Buber's Interpretation of Hasidism," *The Messianic Idea in Judaism* (New York: Schocken, 1972), p. 233.

28. See David Stern, "Aggadah," *Contemporary Jewish Religious Thought*, A. Cohen and P. Mendes-Flohr, eds. (New York: Scribners, 1987). While admitting the theological problems of working with such unsystematic materials as aggadot (p. 10), Stern does assert that aggadah "is the point of discontinuity against which every theology of Judaism must take a stand" (p. 12).

Nothing but the Truth?

MARK DRATCH

IS IT A *MIZVAH* TO TELL THE TRUTH, THE whole truth, and nothing but the truth?

Covert CIA operations, the Iran-Contra arms deal, and the Watergate crisis have questioned the deceptive and clandestine activities of government officials. How do we balance the concern for law and truth with concerns for public welfare? Does the *halakhah* permit governments to lie for national security and the public good?

May lawyers defend clients who, they know, will commit perjury on the witness stand? What does Jewish law say about other contemporary moral dilemmas involving truthfulness and falsehood, including revealing the truth to dying patients and lying in order to protect business interests or interpersonal relationships?

The issue of truth-telling has captured the ethical imagination of theologians, philosophers, and jurists throughout the ages. Many have asserted the necessity, and attempted to describe the limits, of the obligation to speak truthfully. This essay will consider whether veracity is an absolute moral maxim which may never be breached, or whether there are circumstances in which truth-telling may, indeed, be circumscribed.

Augustine, the fifth century Church Father, expressed the essential reason for trustworthiness: "When regard for truth has broken down or even slightly weakened, all things remain doubtful."¹ Without staunch adherence to truth-telling, observed eighteenth-century Scottish philosopher, Francis Hutcheson, all confidence in communication would be lost.² This undermining of credibility is reflected in the Talmudic observation, "Such is the punishment of the liar — even if he tells the truth he is not believed" (*Sanhedrin* 89b).

Augustine and the thirteenth century scholastic, Thomas Aquinas, are among the theologians who completely banned all falsehoods without exception. They did distinguish among lies, however, with Augustine espousing an eightfold hierarchy, beginning with lies uttered in the name of religion — the worst of all — and ending with readily pardonable lies which harm no one and yet save someone from physical injury.³ Aquinas,

1. Augustine, "Lying," *Treatises on Various Subjects*, ed. R.J. Deferari, *Fathers of the Church* (New York: Catholic University of America Press, 1952), vol. 14, chap. 14.

2. Francis Hutcheson, *A System of Moral Philosophy*, Bk. 2 (New York: Augustus M. Kelly, 1968), pp. 31–35.

3. St. Augustine, "The Enchiridion" in Sissela Bok, *Lying: Moral Choice in Public and Private Life* (New York: Vintage Books, 1978), p. 34.

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too, differentiated between lies, defining three types: officious (helpful), jocose (told in jest), and mischievous or malicious. According to him, only the latter constitute mortal sins.⁴

Immanuel Kant, in the eighteenth century, advocated an absolutist position even more radical than those of Augustine and Aquinas. Not only did he prohibit all lies, but he eliminated any distinction among them. He maintained that veracity is an “unconditional duty which holds in all circumstances,” and that it is limited “by no expediency,” regardless of “however great may be the disadvantage accruing to himself or to another.” According to Kant, even if a lie does not wrong any particular individual, it always harms mankind generally, “for it vitiates the source of law” and destroys the human dignity of the liar.⁵

Dissenting from the absolutist school are three approaches which take a more lenient position.

The seventeenth century Dutch scholar, Hugo Grotius, did not accept the axiomatic proscription of all lies. He maintained that a falsehood is considered a lie and, therefore, is forbidden only if it deprives the truth from someone who deserves to hear it. An extortionist, for example, has no right to the information which he seeks to obtain; therefore, to speak falsely to him is not considered lying.⁶

Casuist thinkers developed the notion of the “mental reservation.” This theory allows a person to make a completely misleading statement as long as he adds something in his mind to make it true on the grounds that he cannot be held responsible for another’s misinterpretation of the statement.⁷ This approach would allow a young boy who has broken his neighbor’s window innocently to deny responsibility, as long as while he is saying that he did not break the window he has in mind that he did not break the window — yesterday.

In the nineteenth century, the English philosopher, Henry Sidgwick, offered a third category, questioning the assumption that every falsehood is morally wrong.

In the first place, it does not seem clearly agreed whether Veracity is an absolute and independent duty, or a special application of some higher principle. . . . Where deception is designed to benefit the person deceived, Common Sense seems to concede that it may sometimes be right.⁸

Does the Jewish tradition maintain an absolute or a conditional concept of honesty? At first glance, Judaism appears to be an advocate of the

4. Thomas Aquinas, *Summa Theologica* 2.2. ques. 110, art. 2.

5. Immanuel Kant, *Critique of Pure Reason and Other Writings in Moral Philosophy*, ed. and trans., Lewis White Beck (Chicago: University of Chicago Press, 1949), pp. 346–9.

6. Hugo Grotius, *On the Law of War and Peace*, trans. F.M. Kelsey and others (Indianapolis: Bobbs Merrill Co., 1925), bk. 3, ch. 1.

7. See Bok, pp. 15–9.

8. H. Sidgwick, *The Methods of Ethics* (London: Macmillan and Co., 1907), p. 316.

absolutist Augustinian-Aquinist-Kantian school, prohibiting every form of mendacity. The Bible seems to be quite explicit: "You shall not bear false witness" (Ex. 20:13), "Keep far from a false matter" (Ex. 23:7), and "Neither shall you deal falsely nor lie to one another" (Lev. 19:11) are the Torah's prescriptions for normative behavior in this area, and they appear to be unconditional. Rabban Shimon b. Gamliel, in *Pirkei Avot* I:18, ranked the truth with peace and justice as one of the fundamental principles of society.

In examining the purpose of this obligation of veracity, Rambam wrote, in his Letter of Moral Instruction to his son, Abraham:

A life of truth and justice should necessarily be more acceptable even if it might appear less profitable than one of falsehood and wickedness, as the sages said in the Book of Proverbs, "Buy the truth and sell it not" (23:23). Know that these qualities constitute the ornaments of the soul which endow the body with strength, confidence, and permanence.⁹

R. Saadiah Gaon viewed truth-telling as one of the three sources of the rational laws of the Torah:

To the third division . . . are to be added the practice of justice, truth, fairness, and righteousness. . . . [Divine] Wisdom has made it one of its first injunctions that we speak the truth and desist from lying. . . . [A lie] will be regarded by the soul as something grotesque.¹⁰

Rabbi Samson Raphael Hirsch offers this rationale for the prohibition of lying:

[H]e who, instead of truthfully expressing in words what he has experienced to be real, communicates a false image of it to his brother, who accepts it and bases his behavior on it . . . that man turns into a curse the supreme blessing of the Creator; for he who denies truth to his brother, thus violating the highest duty towards him which God has imposed, calls down a curse.¹¹

It is apparent from these sources that truth-telling is basic to human dignity and a fundamental obligation of the Torah. This great principle of trustworthiness was translated into normative halakhic terms by the Talmudic sage, Abbaye, when he ruled that "one must not speak one thing with the mouth and another with the heart."¹²

Yet, despite this apparent advocacy of unconditional truth-telling,

9. In Leon D. Stiskin, *Letters of Maimonides* (New York: Yeshiva University Press, 1977), pp. 145–6.

10. *Emunot Ve'Deot*, Commands and Prohibitions, ch. 2.

11. *Horeb*, III:50, par. 368–76. For further exposition of the importance of truth-telling see *Sanhedrin* 97a, R. Yonah, *Shaarei Teshuvah*, Gate 3, 178; *Hazon Ish*, *Emunah U'Vithahon*, 4:13; and *Hafez Hayyim*, *Sefat Tamim*, ch. 1, 2, 6, and 7. The difficulty in finding truth in the world is reflected in *Gen. R.* 8:4, which records Truth's objection to the creation of Man.

12. R. Yose b. R. Yehuda said, "What is taught by the verse, 'A just *hin* [shall you have], surely *hin* is included in *ephah*?' But it is to teach that your "yes" [*hen*] should be just and your "no" should be just!" Abbaye said, "That means that a person must always speak the same thing with the mouth and with the heart," (*B.M.* 49a). This is a play on words: *hin*, a measure, and *hen*, the Aramaic word for "yes." See *Yad*, *Hil. Deiot* 2:7. and *Hoshen Mishpat* 228:6.

there are sources which permit and sometimes even mandate the telling of lies. The famous dispute between Bet Hillel and Bet Shammai recorded in *Ketubot* 16b–17a is a case in point:

Our Rabbis taught: How does one sing the praises of the bride? Bet Shammai says, "The bride as she is." And Bet Hillel says, "Beautiful and gracious bride!" Bet Shammai said to Bet Hillel, "If she was lame or blind, may one say to her 'Beautiful and gracious bride' when the Torah said, 'Keep far from a false matter?'" Said Bet Hillel to Bet Shammai, "According to your words, if one has made a bad purchase in the market, should one praise it in his eyes or deprecate it? Surely, one should praise it in his eyes." From this the Sages deduced, "Let a person always be sensitive to others."

How is it that Bet Hillel brushes off Bet Shammai's invocation of "Keep far from a false matter" by invoking a claim of mere social etiquette, i.e., sensitivity to one who has made an unseemly purchase? What motivated Bet Hillel to deviate from the moral dictate of veracity?

There are two approaches, reflected in the works of the theologians and philosophers discussed above, that can help to clarify the view of Bet Hillel. The first may be connected, although it is not identical with, the casuist "mental reservation" approach. We may term this the "ambiguity rationale," one which plays upon the inherent equivocation in the suspect statement. According to this interpretation, Bet Hillel maintains that the wedding guest is not lying and is well within the constraints of the falsehood injunction because the guest's compliment is not an evaluation of the bride's physical beauty, but, rather, an appreciation of the "thread of graciousness that is spread over her," i.e., her moral character.¹³ (Compare the contemporary colloquialism, "she is a beautiful person.") The guest spoke truthfully; it is the bride who may have misinterpreted his comment. A similar understanding posits that Bet Hillel's greeting is a standardized formula which, while recited to all brides, refers only to those who fit the description.¹⁴ Once again, the guest is deliberately ambiguous and, because he mentally interprets his statement as a metaphor or as a conventional formula, his basic integrity is intact.

Halakhic support for the validity of the mental reservation theory may be found in *Nedarim* 62b. In this case, Rava asserts that one may claim to be a "servant of fire" in order to be exempt from paying a poll tax. To the Persian government, such a statement would suggest that the person is an idolator. In reality, he has professed no loyalty to fire worship; he meant either that he was a servant of a pagan who accepted this form of idolatry,¹⁵ or that he was a loyal Jew who worshipped the one God who, in Deuteronomy 4:24, is designated as "consuming fire."¹⁶

13. *Ritva* to *Ketubot* 16b. See also *Kallah Rabbati*, ch. 10, which incorporates this approach into Bet Hillel's response to Bet Shammai.

14. R. Joseph Nathanson, *Divrei Shaul* to *Ketubot* 16b.

15. Rashi, s.v. *avda de'nura*.

16. Ran, s.v., *avda de'nura*. See also *Berakhot* 43b, in which it is possible to interpret R. Papa's words in accordance with the mental reservation theory. He could have meant that, in gen-

Another proof text for the permissibility of the equivocal statement occurs in *Gittin* 62a. Here R. Hisda and R. Kahana disregard Rava's mandate to refrain from greeting a heathen with the words "*Shalom, shalom.*" Rashi maintains that these Sages did not intend to direct the greeting to the heathen, but had in mind, rather, to direct it as a blessing to their teacher.

Despite precedent for the ambiguity rationale, it seems contradicted by the Talmudic interpretation of "Keep far from a false matter" which prohibits any behavior or statement which can be interpreted falsely:

How do we know that a disciple to whom his master says, "You know that if I were given a hundred manehs, I would not tell a lie; now, so-and-so owes me one maneh, and I have only one witness against him" (i.e., the master invites his disciple to testify wrongly to something which the master *asserts* is truthful); how do we know that the disciple should not join with him? Because it is said, "Keep far from a false matter?" Surely this is definitely perjury and the Torah said, "You shall not bear false witness against your neighbor." Well, then, for example, if he said to him, "I have definitely one witness; and you come and stand there, and you need not say anything, so that you will not be uttering a lie from your mouth;" even so it is prohibited, because it is said, "Keep far from a false matter" (*Shevuot* 30b).

This is also implied in the linguistic formulation of the verse which warns one to stay away from any false "matter;" it is not limited to outright lies. Even though the ambiguous speaker may have a technical claim to truth, he is perverting the very purpose of the commandment by failing to communicate "nothing but the truth."

Support for this rationale may be found in other areas in which *de-varim she'ba-lev* ("words in the heart," i.e., mental reservations) are considered in the halakhah:

A certain person sold his possessions in order to move to Israel. At the time of the transaction [however], he did not stipulate [that the sale was conditional upon his moving]. Rava said, "These are mental reservations and mental reservations are meaningless" (*Kiddushin* 49b).

The seller is bound to fulfill the details of the agreement as articulated to the purchaser, regardless of any unexpressed conditions.

There are circumstances, however, in which mental reservations are acceptable:

One may vow to murderers, robbers, and publicans (Jewish tax collectors for the Romans) that [the produce they demand is *terumah* (set aside as a tithe), even if it is not (in order to save the produce from them, as *terumah* is forbidden to all but priests); or that it belongs to the royal house, even if it does not (*Nedarim* 27b).

R. Amram's explanation that this person vows, "May all the fruits of the world be forbidden to me, if this does not belong to the royal house" raises difficulties. If he said "May they be forbidden," then, in fact, this

eral, Rava rules for Bet Hillel, even though in this case he does not. See *Responsa R. Menaḥem Azariah*, 5.

fruit is forbidden, and if he stipulated that this vow restricts his eating on a limited basis, then the publican will not be turned away.

He mentally stipulates "today," but makes no explicit reservation; and though we [normally] rule that mental reservations are invalid, it is different when made under duress (*ones*) (*Nedarim* 28a).

When a person is coerced into making a false oath, his mental reservation is meaningful. The *force majeure* translates the ambiguity of his statement in consonance with his mental reservation. *Tosafot*, s.v. *bemokhes*, observes that any great need is considered *ones*, compulsion.

In the latter case, concerning oaths and vows, mental reservations are taken into account in situations of coercion. In the former case, dealing with business transactions, mental reservations are meaningless, despite *ones*.

Why the difference? Business transactions require one to have full understanding of the positions of the other parties involved. One cannot be expected to read hidden meanings and to divine alternate intentions in the statements of others. If conditions are intended, they must be expressly stipulated. This is a fundamental rule, not only in business, but in all interpersonal communication and is a basic principle of the truth-telling obligation.

Oaths and vows, which concern moral, rather than social obligations, are different. In the moral realm, divine dispensation grants meaning to mental reservations if they were occasioned by *ones* and forgives whatever obligations may have been incurred by articulated vows. The transgression of "Fulfill what comes out of your mouth" (Numbers 30:2) is neutralized by unarticulated stipulations.

How does this relate to our discussion? The obligation of truth-telling has two purposes, one social and one moral. The former is to ensure the smooth functioning of society, which is possible only when there is complete confidence in communication. The latter is to safeguard one's own moral integrity. In social intercourse, the falsehood prohibition prevents any breach of unconditional trustworthiness. Misleading statements communicate the same misinformation as do outright lies; hence, the prohibition of equivocal statements. However, when ethical imperatives demand less than absolute veracity (as will be outlined shortly), the ramifications of lying upon one's moral integrity must be considered. As seen above, mental reservations are, indeed, effective in these matters. Concern for the social consequences of lying is ignored, and the ambiguity rationale protects the integrity of one's moral character.

A second interpretation of Bet Hillel's prescription of proper praise for the bride may also be located in Sidgwick's evaluation. According to this theory, truth-telling is not an absolute and unconditional moral maxim; there are circumstances in which other vital principles circumscribe its application. What are they?

R. Ilai stated in the name of R. Eleazar b. R. Shimon: One may modify a statement in the interests of peace; for it is said in Scripture [regarding the concern of Joseph's brothers, following their father Jacob's death, that Joseph might avenge the wrongs they perpetrated against him], "Your father commanded us before he died saying, 'So shall you say unto Joseph: "Forgive, I pray you, the transgression of your brothers . . .'" (Gen. 50:61). R. Nathan said: It is a commandment [to lie in the interests of peace] for it is stated in Scripture [when God commanded Samuel to anoint David as successor to King Saul], "Samuel said, 'How can I go? If Saul hears it he will kill me.' And the Lord said, 'Take a heifer with you and say, "I am come to sacrifice unto the Lord.'" (I Samuel 16:2). At the School of R. Ishmael it was taught: Great is peace, seeing that for its sake even the Holy One, blessed be He, modified a statement; for it is written [regarding Sarah's reaction to the prophecy that she would bear a son], "My husband is old," while afterwards it is written, [as God reports Sarah's reaction to Abraham], "Wherefore did Sarah laugh saying, 'Shall I bear a child, who am old?'" (Gen. 18:12-13) (*Yevamot* 65b).¹⁷

In addition to the interests of peace, there are other causes which limit the obligation to tell the truth.¹⁸ R. Yehudah maintained that learned men deviate from the truth in matters of "a tractate, bed, and hospitality." If asked if he is familiar with a certain tractate of the Talmud the scholar, even though he is familiar with it, may answer "No." His motivation for lying in this case is humility. If questioned about his marital relations, a scholar may refuse to give correct information. This is a lie for the sake of modesty. Finally, a scholar may refuse to give correct information concerning his host's hospitality — a lie to protect his host from being taken advantage of by others (*B.M.* 23b–24a).¹⁹

R. Yehoshua b. Hananiah was motivated by tact and sensitivity when he remarked:

I was once staying at an inn where the hostess served me beans. On the first day I ate all of them, leaving nothing. On the second day, too, I left nothing. On the third day she overseasoned them with salt and, as soon as I tasted them I withdrew my hand. "My master," she said to me, "why do you not eat?" I replied, "I have already eaten earlier in the day" (*Eruvin* 53b).

It is apparent from the conclusion drawn by the Sages that Bet Hillel, when formulating the greeting to be addressed to the bride, was motivated by concern for tact and sensitivity. It is possible that Bet Shammai agrees that sensitivity limits the scope of the application of "Keep far from

17. See *Beizah* 20a–b for another example of lying in order to avoid a quarrel. *Sefer Hassidim*, 426, maintains that one is permitted to lie for the sake of peace only when discussing those matters that have already occurred. If, however, one is asked about the present or the future, he is not permitted to lie. See *Orhot Hayyim*, 156, who cites many sources which do not accept this position.

18. See Azulay, quoted in *Orhot Hayyim*, 156. See also *Sefer Petah HaDevir*, *Orah Hayyim* 1:7.

19. Based on this Talmudic statement R. Eliahu from Lublin quips in *Responsa Yad Eliahu*, 62, "A person must always speak *emet*, truth, except in cases of *emet* — *alef, mem, tav* (the letters of the Hebrew word *emet*). This acronym stands for *Ushpiza*, hospitality; *Mesekhta*, tractate; and *Tashmish*, conjugal relations.

a false matter.” According to this approach, Bet Shammai agrees that one should praise an unseemly purchase. The objection to Bet Hillel’s position in the care of the bride is based on the premise that the specific falsehoods should not be legislated. This is the position of *Tosafot*, s.v. *yeshabhenu*, who maintain that Bet Shammai holds that even though one is permitted to praise a bad purchase, nevertheless, “it is not for the Sages to establish an enactment which would require one to lie.” As such, even Bet Shammai maintains that one should be sensitive and tactful when greeting a bride; the sole objection is to the formalized and official manner in which the lie was mandated. According to *Tosafot*, the conclusion drawn by the Sages is derived from the positions of both Bet Hillel and Bet Shammai.

Not only may truth telling not be an absolute moral maxim according to this interpretation, but it is possible that there is no such imperative in interpersonal relations at all!²⁰ The Talmud (*Shevuot* 30b–31a) lists a series of cases in which the falsehood prohibition obtains. Strikingly, the discussion relates solely to judicial matters, regulating the behavior of judges and witnesses. The exclusiveness of this list is the source of Ibn Ezra’s observation that the jurisdiction of this verse [Exodus 28:7] extends only to Judges. The context of the verse likewise implies this limitation: “Keep far from a false matter, and do not cause the death of the innocent and the guiltless; for I the Lord will never acquit the guilty.” Other prohibitions of falsehood, like that of bearing false witness or making false oaths, are also limited to the judicial area.²¹

A survey of *Rishonim* (earlier post-Talmudic authorities), who enumerated the commandments shows that while some do list “Keep far from a false matter” as an obligation to tell the truth in nonjudicial matters,²² others, including Saadia Gaon, Rambam, Ramban, *Sefer HaHinukh*, and *Halakhot Gedolot* do not.

One is not to conclude from this discussion that there are no halakhic restraints on falsehood. Even those *Rishonim* who do not include speaking truthfully in their list of commandments, restrict falsehood in other of their works.²³ A reason for the absence of truth-telling from their list of

20. For an elaborate exposition of this position see Rabbi Y. Perlow’s commentary to his edition of *Sefer HaMizvot* of R. Saadia Gaon, Positive Commandment 22. This appears to be Mar Zutra’s opinion (*B.M.* 23b–24a) in that he does not assume absolute integrity on the part of any sage. See also *Yevamot* 63a, in which Rav is wont to find a Torah verse to restrict his son’s falsehoods.

21. See Maimonides, *Sefer HaMizvot*, Positive Commandments 248–9 and *Sefer HaHinukh* 222, 226–7.

22. See *Sefer Mizvot Gadol*, Positive Commandment 106; *Sefer Mizvot Katan*, 226; *Rashbaz Zohar Rakiah* to Commandments of R. Shimon b. Gavriel, 49; *Sefer Yereim*, 235; and *Sefer Hareidim*, 12:26. See also *Responsa of Rema*, 11, which implies that “Keep far from a false matter” is a general commandment.

23. See Maimonides, *Yad, Hil. Deiot* 2:7; Saadia Gaon, *Emunot VeDeiot*, Command and Prohibition 2; Ramban to Genesis 18:13 as understood by *Responsa Hatam Sofer* VI:59.

commandments can be understood in light of R. Hayyim Vital's observation that ethical precepts that are so fundamental to the divine commandments were not included among the 613 *mitzvot*.²⁴

Biblical accounts in which the Patriarchs wrestled with the issue of truth-telling and lying have raised questions about their moral character and integrity. A survey of how these situations are understood by our Biblical exegetes sheds light on the nature of the patriarchal behavior as well as the commentators' general approach to this complex moral problem.

It is clear that Abraham lied to Abimelekh, identifying his wife as his sister (Gen. 12:12–13;20:2). Ramban criticizes this behavior, observing that even though Abraham's statement was truthful (they shared the same paternal grandfather), he committed a sin. Rashi and Ibn Ezra allow for this ambiguous statement due to the dangerous nature of the situation that he confronted.

As noted above, God Himself "lied" when relating to Abraham Sarah's reaction to her impending pregnancy. Rashi accepts this outright lie, noting that God was concerned with preserving marital harmony. Ramban is joined by Rashbam and Ibn Ezra in disapproving outright lying — even with cause — and carefully notes that no lie was told in this case — Sarah had included herself as a subject of her laughter and God reported only one aspect of her reaction.

Rashi's more positive view of the flexibility of truth-telling and lying is further defined in his explanation of the dialogue preceding Isaac's blessing to Jacob. Dressed in animal skins and Esau's garments, Jacob entered Isaac's tent and when asked to identify himself, replied, "*anokhi Esav bekhorekha*," "It is I, Esau, your first born" (Gen. 27:19). In order to save Jacob from lying outrightly during this masquerade, Rashi repunctuates this response so that the son, even though he told the truth, was misunderstood by his father. Thus, Rashi reads the verse "*Anokhi; Esav bekhorekha*," "It is I; Esau is your first born." Ramban, who does not accept the validity of these equivocal statements, as shown above, maintains that Jacob told an outright lie.

The question of integrity is most poignant as it relates to Jacob's behavior. He deceived his father and stole the blessing from Esau; he tricked Esau into selling him his birthright; and he tricked Laban time and again. His behavior can best be explained by R. Yehudah heHassid who maintained that it is permissible for a righteous person to act deceitfully in order to save religious objects and moral virtues from being desecrated and destroyed by evil people — an ethical imperative to be added to our above discussion.²⁵

The conflicting demands of the principles of truth, peace, modesty, and sensitivity are not easily reconciled. The conditionality of a moral im-

24. *Shaarei Kedushah* 1:2.

25. *Daat Zekenim Meba'alei haTosafot* to Gen. 25:34.

perative is often abused and becomes a wedge leading to its undoing. Subjective interests and selfish manipulation of these principles can pervert the ultimate purpose for which lying is at times mandated, and can destroy, rather than foster, harmonious relations. Because human intercourse is complex and its intricacies defy comprehensive prescription, it is difficult to delineate all-encompassing rules for truth-telling and lying in a simple codified form. Nevertheless, some general guidelines and attitudes are necessary:²⁶

1. Absolute veracity is essential in judicial proceedings. This is mandated by the Decalogue's regulation against false-witness, as well as by the verse, "Keep far from a false matter." The Talmud (*Shevuot* 30b–31a) lists a series of situations in which "Keep far from a false matter" unconditionally controls the behavior of all those involved in the judicial process.

2. Lying is forbidden when it results in harm to another.²⁷ This is the guiding principle in the prohibition of *genevat da'at*, deceit, a derivative of "Thou shalt not steal," as well as the exhortation "Keep far from a false matter."

It was taught: R. Meir used to say, A man should not urge his friend to dine with him when he knows that his friend will not do so. And he should not offer him many gifts when he knows that his friend will not accept them. And he should not open [for a guest] casks of wine, which, [if unused] are to be sold to the shopkeeper, unless he informs [the guest] of it. And he should not invite him to anoint himself with oil if the jar is empty (*Hullin* 94a).²⁸

In each of these cases the liar, in deceiving others, causes damage by deriving undue benefit from his friend in the form of undeserved gratitude or returned favors.

3. One may deviate from the truth for the sake of peace as well as for other ethical imperatives such as humility, modesty, and sensitivity. However, extreme care must be exercised, for while the functioning of society demands that a person be sensitive to others and tactful in his relationship with them, a society in which others can always be suspected of lying cannot survive — how does one ever know if he is being told the truth? In this sense, all falsehood, regardless of the lack of immediate and measurable damage, is ultimately deleterious because it can destroy the

26. *Responsa Torah Lishmah*, 364, provides an exhaustive list of Talmudic sources from which he encourages his questioner to derive his own guidelines. He warns, at the end of his responsum:

Behold, I have set for you a table full of many aspects of permissibility in the matter of lying and deceit which are mentioned in the words of the sages. Carefully examine each case and extract conclusions from each of them. But, place the fear of the Lord before you so as not to be excessively lenient . . . and learn restrictions from these cases as well.

27. *Sefer Yereim*, 235. See also *Responsa Zi'z Eliezer* XV: 12.

28. This restriction applies equally to relationships with Jews and non-Jews; *Hil. De'ot* 2:6, *Hil. Mekhirah* 18:1, *Hoshen Mishpat* 228:6. See Bah and Saviv *Lere'iv* to *Sefer Yereim* 225 for contrary opinions.

element of trust that is so essential to maintaining the fabric of society. This is true of trivial “white” lies as well.²⁹ Lying is permitted only when the society or relationship will suffer harm because of truth-telling.

4. Even in those cases in which mendacity is permitted, habitual falsehood is forbidden:

Rav was constantly tormented by his wife. If he told her, “Prepare me lentils,” she would prepare him small peas; [and if he asked for] small peas, she prepared him lentils. When his son, Hiyyah, grew up he gave her [his father’s instruction] in the reverse order. “Your mother,” Rav once remarked to him, “has improved!” “It was I,” the other replied, “who reversed [your orders] to her.” “This is what people say,” Rava said to him, ‘Thine own offspring teaches thee reason.’ You, however, must not continue to do so; for it is said, ‘They have taught their tongue to speak lies, they weary themselves’” (Jeremiah 9:4) (*Yevamot* 63a).

Certainly, lying to preserve marital harmony is permissible. The reason that R. Hiyyah’s falsehoods were disallowed is that they were habitual.³⁰

5. The falsehood injunction proscribes more than the articulation of untrue statements. It includes any communication or impression of false ideas — articulated and unarticulated, through action and through inaction, in speech and in print.

6. In those cases when lying is permitted, ambiguity is to be preferred over an outright falsehood. It is preferable to make an equivocal statement that is truthful in its intended version but that may be misinterpreted by the listener.

Let us now return to the questions raised at the beginning of our discussion.

1. Governments are permitted to lie for the sake of the public good, but self-serving and indiscriminate lying, or lying to cover up illegal activity, is forbidden. (See Rules 3 and 4)

2. A lawyer is not permitted to defend a client who is perjuring himself on the stand. (See Rule 1)

3. It is forbidden to tell a dying patient the truth about his condition if it will cause him undue concern and harm his well being. (See Rule 3)³¹

4. A businessman may not deceive his clients. (See Rule 2)

5. Lying to preserve harmonious interpersonal relationships is, at times, permitted. (See Rules 3 and 4)

Contemporary man is continually confronted with moral choices which involve truth-telling and lying. These choices are difficult, often troubling. Rededication to the principles of honesty and veracity is the first step in reestablishing a world of mutual respect, trust, and peace. “As for the rest,” as Hillel told the proselyte in another context, “go and learn.”

29. This is a major theme in Bok’s *Lying*.

30. *Yam Shel Shelomo* to *Yevamot* 6:46.

31. See also *Sukkah* 46b. It is to avoid habitual lying that Rambam limits the Sages’ principle, “A person should always be sensitive to others” (*Ketubot* 17a) only to scholars (See *Yad Hil. Deiot* 5:7) and does not extend it to *hoi polloi*.

Hebraic Monotheism: The Evolving Belief, The Enduring Attitude

MICHAEL J. CARELLA and ITA SHERES

THERE HAS NEVER BEEN A SATISFACTORY resolution of what is one of the central issues in all of Biblical scholarship. That issue is the nature and origin of Hebraic monotheism. When did the Hebrews adopt the belief in a single Supreme Being? What attitudes toward nature and morality were implied in that belief? Scholars have variously placed the origins of Hebrew monotheism as early as the eighteenth century BCE (the presumed age of Abraham and the Patriarchs), the thirteenth century BCE (the age of Moses and the Exodus), the eighth century BCE (the age of the Classical Prophets), and even as late as the sixth century BCE (the Return from Exile and the Restoration of the Temple).

These estimates, despite their enormous variation, all enjoy a certain plausibility, since each can be linked to a legitimate textual tradition. All of them reveal at least one critical aspect of the historical development of monotheism. Yet, what is most interesting about these different theories is not the conflicting historical claims that they make about the origin of monotheism, but, rather, the conflicting theological claims that they make about its nature. How one dates the origin of Hebraic monotheism depends less on one's historical preferences than on one's theological commitments.

It is our thesis that Hebraic monotheism is not a simple doctrine which emerged whole and entire at some point in history. Rather, it is a complex of related beliefs which evolved slowly, driven forward in its development by a fundamental attitude toward the universe which sets the monotheist apart from the pagan.

There are at least five different views of the origin and nature of Hebrew monotheism: 1) the Patriarchal Theory; 2) the Tribal Theory; 3) the Singular Theory; 4) the Prophetic Theory; and 5) the Redactive Theory. Each of these describes an essential facet of the content of monotheistic beliefs. Yet it is only when all five facets are seen as historical elaborations of a single crucial insight that we can begin to appreciate the essence of monotheism, that fundamental attitude which has driven the historical

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development of the doctrine and remains its enduring and distinguishing characteristic.

The Patriarchial Theory

As early as the eleventh century, C.E., the celebrated Biblical and Talmudic scholar, Rashi (Rabbi Shlomo Izḥak: 1040-1105 C.E.), reflecting Jewish tradition, claimed that monotheism came into being with the patriarch Abraham. Monotheism, in his view, is no simple matter of believing in one God. It is, rather, an extremely complex and subtle belief containing both a metaphysical and a moral view of God, the world, and the relationship that exists between them. Monotheism implies, first of all, a belief in the existence of a Supreme Being who is unique, transcendent, and universal.

But even more than this belief, monotheism implies the doctrine of creation. In the beginning God created heaven and earth out of nothing. The universe and everything in it have their existence from God, their creator. Unlike the Greek idea of the cosmos, which the pagans conceived of as having existed before the gods and which remains independent of their power, the universe owes its origin, its existence, and its future to God, its creator. Rashi's view of monotheism is as much a moral vision as it is a theological one. The God of Abraham, though mighty and powerful, is also the protector and sustainer of His creatures. He is a providential God, who watches over His creatures and keeps them safe from harm. He has a special relationship with humans, whom He has "created in His own image," and with His chosen people, with whom He has a special covenant.

For Rashi, the God of Abraham is a Father in a most intimate and familial sense. Yet, as a Father, He not only provides for His children but He also disciplines them, as any father would. He tells His people, "Walk before me," and "Be wholehearted," commanding them to observe the law of circumcision and enjoining them to be perfect in mind and spirit as well as in body. The core of monotheistic morality is, thus, a moral relationship between God, the creator and sustainer of the universe, and the people whom He has chosen to be His own. That relationship is sealed in a covenant whereby, in return for obedience to the letter and spirit of His law, God assures His people of His continuing favor.

A modern variation on Rashi's theory was put forward by Albrecht Alt in his acclaimed work, "The God Of The Fathers," published in 1929. In this essay, Alt set forth the thesis that, prior to the cult of Yahweh, which united the Hebrew tribes into a nation conscious of itself as a single people, there existed tribal forms of monotheism which predate the cult of Yahweh. From a careful philological analysis of the various titles of the God of the Fathers, Alt concludes that the God of the Fathers is no pagan god tied to a particular place, nor is He simply the personification of some

terrifying but natural force. He is a Person who takes an interest in, and communes with, human beings.

The hypothesis of a pre-Yahwist monotheism associated with various Hebraic tribes provides Alt with the decisive clue to the role of the patriarchs in Hebrew history. "... the part played by Abraham, Isaac, and Jacob in the tradition of the Israelite sagas is principally due to their receiving a revelation from a god and founding his cult ..."¹ Indeed, this hypothesis explains the discrepancy between the entry of the Israelites into Canaan and the literary tradition which places the patriarchs there before the Israelite settlement. The pre-Yahwist cults originated long before the Israelites took possession of the land and of the sanctuaries that existed there. When the worshippers of the God of the fathers came to Canaan, they had to relate the tradition to the new places of worship and adapt to new conditions.

The pre-Yahwist cults, which were tribal in nature, slowly but unrelentingly gave way to a national view of God. The fact that the national religion was decisively monotheistic meant that the essential aspects of monotheism were already present in the earlier cult of the God of the Fathers.

The Tribal Theory

Beginning with the premise that it was Moses who introduced monotheism to the Hebrews, William F. Albright developed a theory which refines Rashi's patriarchal theory. In 1940, in *From The Stone Age To Christianity: Monotheism And The Historical Process*, Albright denies that the essential core of Hebraic monotheism lies in the idea of God as a Person who cares for His creatures and with whom the people of Israel enjoys a special relationship. Rather, he asserts the thesis that the monotheism of Moses, while distinctive in its own right, is continuous with its Hebraic past from which it takes its fundamentally tribal character.

The divergence between Albright's tribal theory and Rashi's patriarchal theory is not simply a matter of attributing the origins of monotheism to a different person. It concerns, instead, the nature of the pre-Mosaic religion of the Hebrew people. What Rashi and Alt consider as essential first steps in the development of a monotheistic doctrine, Albright sees as preparatory stages for the tribal monotheism of Moses.

He insists that the monotheism which Moses introduced to the Israelites was, in fact, a distinctive religion, not continuous with the religions of Israel's neighbors. First of all, there is no doubt that the God of Israel is transcendent. He is not only the creator of the universe and of everything in it, but his very name, "YHWH: He causes to be," implies transcendence.

1. Albrecht Alt, *Essays On Old Testament History And Religion*, tr. by R.A. Wilson (New York: Doubleday, 1967), p. 61.

The God of Israel has no family connections. He has no consort; He has no offspring. Moreover, He has no residence. He is not restricted to any place. He manifests Himself wherever He chooses. Though there certainly are places like Sinai which are sacred to Him, there are no special cults associated with these places. Their precise names and locations are unimportant.

The God of Israel is a personal God. Albright does insist that Hebraic monotheism is decidedly anthropomorphic, but in a way that is significantly different from pagan anthropomorphism. Pagan deities tend to vary with the cycles of nature, to merge with one another, and to lose their personalities in the impersonality of natural forces. When they acquire personalities, these are human personalities writ large, with all the frailties and vices of human beings. In contrast, the God of Israel is always thought of and represented as a Person, with the emotions of human beings but with none of their frailties. Albright considers the contribution of Moses to the doctrine of monotheism to have been the purification of the tribal conception of God which the Hebrews inherited from the Patriarchs.

The Singular Theory

In the 1930s Yehezkel Kaufmann, in his monumental work, *The Religion Of Israel*, put forth the then radical thesis that monotheism emerged whole and entire with Moses and the Israelites at Sinai. His basic premise is that monotheism implies far more than a belief in one God or even in a God who creates the universe. Such beliefs, he concedes, were present in the advanced religions of Babylonia, Egypt, and Canaan, where the gods were thought of as "world creatures and rulers, founders of culture and society, guardians of justice and morality. Israel did not have to develop these concepts; it inherited them."² Still, the religion which Moses introduced to the Hebrews at Sinai is completely antithetical to the religious beliefs and attitudes of their pagan neighbors.

The essence of monotheism, according to Kaufmann, is the absolute transcendence of God. This implies an unbridgeable gulf between humanity and divinity. God is not only supreme over all of nature, but also totally independent of the forces which govern nature.

The mark of monotheism, [says Kaufmann], is not the concept of a god who is a creator, eternal, benign, or even all-powerful; these notions are found everywhere in the pagan world. It is, rather, the idea of a god who is the source of all being, not subject to the cosmic order, and not emergent from a pre-existent realm; a god free of the limitations of magic and mythology.

With monotheism, mythology, which is the "tale of the life of the gods," gives way to prophecy and to the law, both of which are direct ex-

2. Yehezkel Kaufmann, *The Religion of Israel: From the Beginnings To The Babylonian Captivity*, tr. and abridged by Moshe Greenberg (New York: Schocken Books, [1960], 1972), p. 221.

pressions of the will of God. Magic, the manipulation of nature and of the gods, gives way to ritual, the external sign of conformity to the will of God. Kaufmann insists that monotheism appears historically as a break with the past, as an original insight that expresses itself in the image of an omnipotent Supreme Being whose will is the highest law; it is Moses at Sinai who is the bearer of this unique insight.

The Prophetic Theory

In 1878, more than half century before either Kaufmann or Albright, Julius Wellhausen created a new school of Biblical scholarship with his *Prolegomena To The History of Ancient Israel*. In that work, he put forward the thesis that monotheism did not become the religion of Israel until the age of the classical prophets (Amos and Hosea).

Behind Wellhausen's historical analysis lies an important theological argument about the nature of monotheism. Neither the belief in a supreme being who creates the universe out of nothing and who transcends nature, nor the belief in a personal deity who enters into a relationship with his people is sufficient to qualify as monotheism. The essence of monotheism lies in the moral relationship between a transcendent God, whose will is law, and human beings who are free to obey or disobey that will. Conformity to the law is merely an external sign of the purity of heart which the One true God demands of His followers. For Wellhausen, it is the classical prophets (beginning with Amos and Hosea) who introduce this ethical element into the religion of Israel. Yet, in the process of forging Hebraic monotheism, he claims, the prophets undermine the national character of Hebraic religion. The restoration of the Jewish state after the exile was, for Wellhausen, a return to a pre-prophetic phase of Israelite religion. To succeed in the task of "nation building," Ezra, in 444 BCE, promulgated the Priestly Code as the constitution of the Jewish state. Introduced as the "Law of Moses," it became the chief instrument of forging a national identity. And what of Moses? What is his role in the history of Hebraic monotheism? According to Wellhausen, "Moses is the originator of the Mosaic constitution in about the same way as Peter is the founder of the Roman hierarchy."³ Moses is the lawgiver, not the prophet, the precursor of the priestly tradition, the figure to whom the priesthood appeals for its legitimacy.

The Redactive Theory

In the last twenty years, the focus of Biblical scholarship has shifted away from theological questions about the origin and nature of Hebraic monotheism to historical questions about the authorship and the purpose

3. Frank Moore Cross, *Canaanite Myth and Hebrew Epic: Essays In The History of the Religion Of Israel* (Cambridge, Mass.: Harvard University Press, 1973), p. 278.

of Biblical writings. This shift reflects the attitude on the part of scholars that the Bible is as much a political and social document as it is a religious one. Conflicting Biblical views of morality, the role of ritual, and the destiny of the people are seen as indicative of political as well as religious conflicts among the Hebrew people. The Bible is secular as well as sacred history.

With this change in focus has come a renewed appreciation of the crucial role of the redactors in producing the Hebraic canon. The Hebrew Bible is not simply the result of committing an oral tradition to writing. It is, rather, a document which is written and rewritten over many generations, each generation of redactors putting the stamp of its own purposes on the text. Chief among those scholars who have emphasized the role of the redactors have been F.M. Cross, Noel Freedman, and R.P. Carroll. Though their primary concern is not the doctrine of monotheism but, rather, the history of the Hebrew people, these scholars have not been able to avoid committing themselves, at least implicitly, to a theory of the origins and nature of monotheism. According to Cross and his fellow theorists, the Hebrews did not become monotheists in the full sense of the term until the establishment of the second commonwealth. Cross' thesis rests on the premise that the Hebrew Bible contains two separate and complete redactive traditions: the Priestly and the Prophetic.

The Priestly Tradition centers on the Torah, the law which Moses, with the aid of Aaron, gave to the people in the desert. The crucial point of the Redactive theorists is that the Priestly Tradition is pre-monotheistic, that it is tied, not to the idea of a Single Universal Supreme Being, but to a nationalistic Warrior God (the idea of whom probably originated in the desert), who triumphs over other gods on behalf of His own People.

The second of the great redactive traditions is the Prophetic one. The bulk of its writings belong to the period of the exile and it closes about the time of the Restoration of the Second Commonwealth. There are two grand themes which run through this Tradition. The first is that of irreversible and unrelieved doom. The second is that of hope based upon repentance and the promise that "when Israel cries out to God and repudiates her apostate ways He will repent of his evil and listen to their prayers."³

For the redactive school, monotheism arises out of the synthesis of the Priestly and the Prophetic Traditions, which takes place only after the experience of the Exile and the formation of the Second Commonwealth. In one sense, everything that has gone before — the Exodus, the conquest of the Land of Canaan, the prophets, and the destruction of Israel — is but a preparation for the monotheism which, as the text tells us, Ezra will

3. Frank Moore Cross, *Canaanite Myth and Hebrew Epic: Essays In The History of the Religion Of Israel* (Cambridge, Mass.: Harvard University Press, 1973), p. 278.

introduce to the people and which will become their religion in fact as well as in name.

* * *

What conclusions can we draw from our analysis of the origins of Hebraic monotheism? The first and most obvious is that there are still no definitive answers to such fundamental questions as when monotheism was first introduced, who was responsible for having introduced it, and when it became the essential element in the religion of Israel. This is in part because the kind of anthropological, documentary, and linguistic evidence which could be used to settle these questions is simply not yet available and may never be so. Thus, the theories that we have analyzed have all been forced to make certain assumptions that are not warranted by the data. A more important reason, however, is that questions about the origins of monotheism cannot be separated from the issue of its contents. Scholars disagree about its nature because they have profoundly different ideas about its meaning.

The existence of these scholarly disagreements reflects, in a sense, the complexity of the problem. Monotheism is not a doctrine which emerged whole and entire at some definite moment in history. Rather, it evolved out of a simple but radically new insight into the relationship between God and the universe. Though we may never learn when precisely the Hebrews adopted monotheism or who it was who introduced it to them, we do know that at some point in their history they realized that the universe and all of the things in it, including human beings, owe their entire existence to God. This is the crucial insight which distinguished the monotheist from the pagan. Its occurrence marks the moment in which the doctrine of monotheism was conceived.

Yet, just as an organism which begins its life as a single fertilized cell manifests its true identity only in the process of its maturation, so, too, the doctrine of monotheism, which came into being with a single insight, reveals its true nature in the historical process of its development. The insight that the universe and everything in it belongs to God is but the doctrine in its embryonic form. That embryonic insight contains within itself all of the various tenets that we associate with monotheism. Yet it does so only implicitly, like the genetic information encoded in an embryo. The history of the Hebrew people is the gestation period of the doctrine, the process whereby the latent content of monotheism was rendered explicit.

In the course of its historical development, monotheism exhibited the same two-fold tension that characterizes the development of any living organism. An organism lives by reconciling two primordial sets of forces: those internal and those external to it. To mature, indeed to survive, it must adapt to the challenge posed by the forces of its environment. But, no less importantly, an organism must also adapt to the forces of its own

internal nature. The tenets that we associate historically with monotheism correspond to the various stages in the doctrine's development as it adapted both to the demands of its changing historical environment and to the imperatives of its own central insight.

Monotheism is far more than the simple doctrine which its name seems to imply, the belief in one God. It is, in reality, a very elaborate collection of beliefs which presume not only the commitment to a certain view of God, His existence and His nature, but, also, the commitment to a certain view of the universe, its origin and its purpose and, perhaps most important of all, the commitment to a certain view of life, how it should and should not be led. In short, monotheism is a worldview containing a cosmology, an anthropology, and an ethic, as well as a theology. And despite the controversy over its meaning and its historicity — which beliefs belong to which stages of Hebrew history? — the major tenets of monotheism seem clear.

Perhaps the oldest and most basic of these is the belief that God is a Person. In the most primitive forms of paganism, such as the fertility rites and ancestral worship of the dead in the Aegean peninsula prior to the coming of the Greeks, the gods are little more than daemonic forces of nature which dwell in the recesses of the earth. Though these chthonic daemons do intervene in human life, they have no real personalities. They are found everywhere, their identity bound to the individual objects which they inhabit. Their existence is transitory, coming into being and passing away as the objects which they inhabit come to be or pass away. Attached to these gods is all the ambivalence of the primitive notion of the sacred, that which is holy and, at the same time, that which is accursed. The rites associated with the worship of these chthonic deities aim at promoting the fertility of the tribe and of the land and of warding off barrenness and death. In contrast to this primitive expression of the will-to-live, the mature paganism of Olympian religion has personal deities who belong to a rich literary tradition. The Olympians are sky-gods, powerful and immortal, who personify not only the forces of nature but also the moral ideals of the conquering Greeks. What is sacred is what has been reserved for the gods. What is evil and profane is *hubris*, the overstepping of the boundaries which separate humans from the gods. Since the Olympian religion was obsessed with the notion of deference — of humans to the gods and of commoners toward their warrior aristocracy — rituals were a form of barter with the gods.

More important than the rituals of Olympian religion is its mythology. Like most mature forms of paganism, Olympianism was able to retain a respectful distance from its gods because very early in its development it ceased to be a religion of action and became a religion of belief, a theology. Not that it became theology in the sense of faith seeking understanding, but in the sense that its primary impulse was to elaborate

the lives of the gods in countless mythological episodes rather than to have communion with them.

Hebraic monotheism is directly antithetical to both the nature worship of primitive paganism and the anthropomorphism of mature paganism. From the very beginning, the God of the Hebrews is completely separate and distinct from the forces of nature. He is a Person. He is not, however, a personification as are the Olympian gods. He is not born, He does not grow old, He is not subject to the vicissitudes of human emotion. He is a Person not because He has personal limitations but because He is an Intellect and a Will. Above all else, the God of the Hebrews is the one who understands and who decides how the universe will function.

A second tenet of Hebraic monotheism is the belief that God is supreme and exclusive. Pagan gods, though they are ageless and immortal, are, nevertheless, finite. Though they exert control over human life, they are by no means almighty. Yet, even in the oldest Hebraic traditions where a plurality of gods is spoken of, it is clear that there could be only One who understands and directs the universe. All the other forces which influence the universe, whether they be considered natural or divine, are subordinate to the one God who rules. In time, the supremacy of God gives way to His exclusivity. Other gods are not merely subordinate to the one true God; they are fictitious entities created by human beings who know not the true God.

A third tenet of monotheism — indeed, a keystone of the entire doctrine — is the belief that God is the creator of the universe. Pagan gods are born into an existing universe whose boundaries have already been fixed. Each god has his own domain over which he presides. The gods cannot overturn the pre-existing order of nature, nor can they transgress the prerogatives of one another. By contrast, the God of the Hebrews is responsible for the entire universe, its coming-to-be, its continuing existence and its future. The universe and everything in it is but His handiwork. Without Him, none of it would exist.

A fourth tenet of monotheism, a corollary of creationism, is the belief that God is transcendent. Pagan gods are personifications of natural forces. Like humans, they are bound by the same impersonal laws which govern the entire universe. The God of the Hebrews is entirely apart from the universe that He has created, like the artisan who is distinct from the objects that he fabricates. God is not the subject, but the author, of the laws which govern the universe. They are but expressions of His will.

A fifth tenet of monotheism is that God has a special relationship with human beings whom He has "created in His own image." Human beings are like God — created in His image — insofar as they, too, have intelligence and will, that is, insofar as they are moral beings, conscious of alternative ways of acting and free to choose among alternatives.

A sixth tenet of monotheism is that God, in addition to revealing Himself in the works of His creation, has intervened in the history of the

Hebrew people to reveal Himself on special occasions to certain special individuals. Though God transcends the universe which He has created, the Hebrews believed that its very existence is a testimony to His creative power. The existence of living things testifies to His vitality, the existence of humans to His moral responsibility. Yet Hebraic monotheism rests, above all, on the claim that God has chosen to reveal Himself in the course of Hebrew history: to Abraham and the patriarchs, to Moses, and to the prophets. The significance of these historical revelations is that the God of the Hebrews, besides creating, sustaining, and directing the universe, has chosen to involve Himself intimately in the lives of human beings by making known to them His will.

A seventh tenet of monotheism is that God has established a covenantal relationship with those human beings to whom He has revealed His will. In Hebrew culture a covenant is a contract conferring reciprocal rights and obligations on the parties to the agreement. It is no accident that the Bible uses the idea of a covenant or contract to define the relationship between God and those whom He favors. With those humans whom God has invited to enter with Him into covenants there exists a mutual set of rights and obligations. Of course, there is never any question of a strict *quid pro quo* since the human parties to these covenants have so little to offer and so much to gain. The covenants are, in fact, an act of largesse on the part of God. In return for obedience to His law and fidelity to His will, God promises to protect, defend, and make prosper those with whom He has a covenant. In becoming parties to the covenant, they have become God's own people.

Initially, the covenant was offered to Abraham and the patriarchs. In return for establishing and maintaining the cult of Yahweh, God promised to Abraham and his descendants continuity, territory, prosperity, and salvation — the latter in an inchoate sense. At Sinai, God offered to Moses and the Israelites a new covenant. In return for adopting a way of life with fidelity to God and strict observance of His laws, God promised holiness and salvation. He would make of Israel a nation of holy people. The covenant announced by the prophets is not a new one but a call to the observance of the Mosaic covenant. In return for purity of heart, an internal as well as an external assent to the law, God offers to make of that remnant a new community which shall become the basis of a new nation. The prophetic covenant is, in fact, a new creation.

An eighth tenet of monotheism is the belief that obedience to the letter of the law is the objective criterion of conformity to God's will. What God chose to reveal of Himself to human beings is His will, and the form in which He chose to reveal that will is the law. The law is, thus, the will of God as revealed to human beings. One cannot conform to the will of God without conforming to the law which He has established.

A ninth tenet of monotheism is that purity of heart is the subjective criterion of conformity to the law of God. Observance of the law is a nec-

essary condition of fidelity to God's will. But it is not sufficient. The mission of the prophets was to remind the Hebrew people that God demands of them an internal as well as an external asset to the law. It is through the law that God intervenes in the lives of His people, but the law must be written in their hearts.

A tenth tenet of monotheism is that, together, obedience to the law and purity of heart lead to salvation.

These ten tenets, while they by no means exhaust the content of the doctrine, do represent the core of those beliefs which set the monotheist apart from the pagan. Each of these tenets expresses a different facet of the central insight of monotheism, the realization that everything in the universe owes its continuing existence to God. Yet each tenet has become an explicit expression of that insight only in response to the vicissitudes of the doctrine's historical development. We have deliberately avoided the issue of which tenets correspond to which periods of Hebraic history because it is clear that neither is the evidence required to settle this question available nor does the issue itself address our major concern: what gives monotheism its identity? To that question there is the answer: monotheism originates in a central insight about the relationship between God and the universe, from which has evolved a complex web of beliefs about the nature of God, the nature of the universe, and the nature of morality. But this is only half the answer.

The crucial insight of monotheism — the realization that everything in the universe owes its existence to God — does more than generate a collection of beliefs. It also engenders an enduring attitude which, more than anything else, identifies the essence of monotheism. What sets the monotheist apart from the non-monotheist or pagan is not simply what the monotheist believes, but how he believes. He is not a contemplator of God and of the world; he is a doer who affirms in his actions, rather than in words or ideas, the debt that he owes to God. Monotheism is not so much a creed as it is a commitment to a way of life in which the fundamental dependency of all things on God is reaffirmed in every act that the monotheist performs.

The Roots of Anti-Semitism?

The Jew as Ally of the Muslim: Medieval Roots of Anti-Semitism. By ALLAN HARRIS CUTLER and HELEN ELMQUIST CUTLER. Notre Dame, Indiana: University of Notre Dame Press, 1986. x + 577 pp.

Reviewed by JEREMY COHEN

PRESENTING IN REVISED form over a dozen articles and conference papers written by the Cutlers between 1965 and 1975, *The Jew as the Ally of the Muslim* claims that (p. 97)

medieval anti-Semitism (and thus, indirectly, modern anti-Semitism as well, which to a significant extent stems from medieval anti-Semitism) was primarily a function of medieval anti-Muslimism. Medieval anti-Muslimism, in turn, was called forth by powerful forces, both intellectual and socioeconomic, unleashed in the general development of Western European civilization taken as a whole. This type of approach sets Jewish history firmly within the context of general world history when it calls upon us to reexamine the history of Christian attitudes toward Jews during the Middle Ages in the light of the closely related history of Christian attitudes towards Muslims. If it be found by other scholars to have some merit, we hope that it will have a salutary impact on the modern movement toward greater understanding and cooperation between the three major religious communities of the Western world (Christians, Muslims, and Jews).

While this reviewer shares wholeheartedly in the desire to study Jewish history within a broad, cross-cultural context, as well as in the hope for interreligious peace

and understanding in our own day, he found this attempt to link them beset with a variety of problems. Owing to the length and complexity of the book, these can best be elaborated with an outline of its contents.

Chapter One expands upon the contemporary significance of the subject at hand, calling for a new and thorough study of papal-Jewish relations from Peter to John-Paul II, "inspired by the highest ideals of the great nineteenth- and twentieth-century Christian historians of the papacy and papal-Jewish relations" (p. 20). Chapter Two, however, does not proceed in this direction but offers a lengthy summary of James Kritzeck's 1964 monograph, *Peter the Venerable and Islam*, which is deemed "a classic in its field," one with which any student of medieval Jewish-Christian relations must become familiar (p. 46). Chapter Three turns to the career of Petrus Alphonsi, a Spanish Jewish intellectual and scientist who converted to Christianity at the beginning of the twelfth century and who subsequently polemicized against Judaism and Islam. Much effort is expended to identify Alphonsi as Peter of Toledo, one of those commissioned by Peter the Venerable to translate key Arabic texts into Latin. While the equation is certainly conceivable, no conclusive proof establishes it, nor is its bearing on the overall theme of the Cutlers' book ever explained.

Chapter Four, which contains the paragraph quoted above, finally addresses the issue at hand, and it marshals several dozen medieval and modern illustrations of the alleged Christian tendency to view the Jews as the hostile agents of Islam. One paragraph of the text (p. 89) and a footnote of five pages in length (pp. 389ff.) consider other species of factors (religious, economic, political, and psycholog-

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ical) which “contributed to the great outburst of anti-Semitism in Western Europe during the High Middle Ages.” Granting that “the anti-Islamic factor” has, indeed, suffered neglect in modern scholarship, how one can summarily conclude, less than ten pages later, that medieval and modern anti-Semitism resulted *primarily* from anti-Muslimism still escapes this reader. Glaring methodological obstacles alone — e.g., gauging the importance of one factor relative to that of another, or explaining countless instances of anti-Jewish expression before, during, and after the Middle Ages having no connection to Islam whatsoever — militate seriously against such a judgment, and this book never comes to grips with them.

Chapter Five considers the anti-Christian and pro-Arab sentiments of a handful of medieval Jewish texts: the biography of Bustanai, the memoirs of Eldad the Danite, the correspondence of Hisdai ibn Shaprut with the Khazar king, and the chronicles of Nathan the Babylonian and of Ahima'az. The Cutlers argue that this image of a Jewish-Muslim alliance *could* have been transmitted with these texts to medieval Christendom, then assume that “the association of Jew with Muslim by *medieval* Jews played a crucial role in the association of Jew with Muslim by *medieval* Christians,” and thus conclude that “it was the latter association, of Jew with Muslim by *medieval* Christians, that led, in turn, to the great revival of anti-Semitism in Western Europe” (p. 182, *italics* theirs).

Equally speculative and unconvincing is the argument of Chapter Six, that the decree of the Fourth Lateran Council of 1215, compelling Jews and Muslims to wear a distinctive mark on their clothes, derived from the anti-Muslim, eschatological concerns of Pope Innocent III.

Chapter Seven presents, and accepts, the controversial thesis of Ben Zion Netanyahu that the Marranos of Spain converted to Christianity voluntarily, hoping to assimilate into Christian society, and that they suffered persecution nonetheless for racial and political reasons. The Cutlers infer from the Netanyahu thesis (pp. 217ff.) that Jews in Christendom “would theoretically prefer to assimilate completely and to disappear as Jews,” but that for eight diverse reasons find themselves rejected by Christians. Eighth on the list, “perhaps the real reason why the Jews have never been allowed the luxury of successful total assimilation and mass conversion,” is Christendom’s need for the Jews “to help it maintain the delicate balance within its own psyche between its Indo-European, its purely Christian, and its Semitic elements” (pp. 241-242).

Chapter Eight lists twelve possible explanations for the collapse of Spanish Jewry around 1400, as well as for the virtual disappearance of Southern Italian Jewry a century earlier, ranging from their “especially strong power drive,” to geography and climate, to “the especial attraction of a *Semitized* Christian culture.” Yet again, the absence of concrete evidence notwithstanding, this final alternative is judged (p. 294) “the main reason why the Jews of Spain [and, to a more limited extent, those of Italy] converted to Christianity.”

Focusing once more on the contemporary, Chapter Nine espouses the teaching of the French scholar, Louis Massignon, that Judaism, Christianity, and Islam are but three branches of a single Abrahamic, essentially Semitic faith as the key to healing interreligious strife in our day. The Cutlers conclude their book with the prayer (p. 342) that “the papacy will view as its primary mission the struggle to achieve the Massignonian ideal.”

Since scholarly views are always open to reconsideration, *The Jew as the Ally of the Muslim* has the merit of bringing to the fore once again the complex issue of the origins and sources of anti-Semitism, which is still a grave illness of modern culture. And believing that any work of this magnitude, composed over a span of two decades deserves a fair hearing, I have tried to let the volume speak for itself. It should now be clear that despite the length of its text, its two hundred pages of notes and bibliography, and its noble calls for extensive international scholarly collaboration, this book fails to prove its thesis. Conjecture, unproven assertions, and eccentric ideas abound within it. One chapter does not flow from its predecessor, and nowhere does the book integrate its various components into a single, coherent argument, making it pointless to dispute over any particular issue within the context of this review. A minimum of citations to both secondary and untranslated primary sources in Hebrew evoked doubt as to the very basis on which the book *might* have presented its case more effectively. How, for example, can *Sefer ha-Kanah* be adduced (pp. 251-253) to evidence "Spanish Jewry's especially strong power drive," when the enigmatic mystical work itself does not appear in the notes, and one simply finds (p. 506, n. 5) references to citations of it by three modern Israeli scholars?

Perhaps most distressingly, *The Jew as Ally of the Muslim* repeatedly expresses its own religious biases — e.g., quoting both Hillel the Elder and Jesus to preach humility to its readership (p. 17), finding in the survival of Judaism "the work of Providence within history" (p. 18), championing "moderate assimilation combined with moderate loyalty to the uniqueness of the Jewish tradition" as opposed to Orthodox

and Reform varieties of Judaism (p. 224), and concluding that "history impelled the Jews of Spain to convert to Christianity . . . because history wanted their grandchildren to return to Judaism" (p. 301). In view of this book's opening plea for a new genre of dispassionate revisionist scholarship, such remarks are ironic indeed.



When Did Jews Have Power?

Power and Powerlessness in Jewish History. By DAVID BIALE. New York: Schocken Books, 1986. 244 pp.

Reviewed by MATTHEW B. SCHWARTZ

PROFESSOR BIALE'S second book, *Power and Powerlessness in Jewish History*, comprises his meditation on all of Jewish history from the point of view of politics and power. Why, he wonders, do the various current Zionist ideologies seem to be in a state of crisis? In fact, perhaps, the most vital question facing Jews today concerns political power.

Biale argues that, both among Zionist and anti-Zionist Jewish writers there is found a consensus as to the powerlessness and apolitical nature of Diaspora Jewish history, i.e., there is a belief that the Jews were a political entity until the destruction of the Second Commonwealth in 70 C.E. From then until the establishment of the modern state of Israel, they were, in a sense, politically disembodied. However, according to Biale, this view is incorrect. He covers seven periods of Jewish history, from the Biblical to Modern Israel and the Jews of the United States. For each time and place, he offers examples to show that the Jews always maintained some sort of communal institutions

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and, even in dark periods, would often defend themselves, individually or even collectively, when attacked.

There are historical lessons to be applied to the Jewish situation in the world today, particularly in Israel and in the United States. Jews must develop a realistic assessment of the nature and extent of their power, neither overestimating it nor exaggerating their powerlessness. "History itself in all its complexities may provide the needed therapy to traditional Jewish memory."

The main thesis seems clear enough. However, a number of doubts arise in dealing with this slim book. First, for whom is it written? Who believes that Jewish history went into a protracted socio-political hibernation between 70 and 1948? Surely any reader who is familiar either with rabbinic literature or even with a few of the informative books on the Jewish past which have appeared in recent years, does not believe that Jewish history was dormant for all of those centuries. Again then, for whom is this book written? Three writers are cited as supporters of this myth of Jewish powerlessness: David Ben Gurion, Hannah Arendt and Michael Selzer — one Zionist and two anti-Zionists. Several more examples are mentioned in a footnote. Undoubtedly, some people do accept this view, but certainly the Jewish readership at large will not take it very seriously.

One would appreciate a more careful elaboration of this myth and how and why it developed. Toward the end of the fourth chapter, Biale returns briefly to this point and says that the Haskalah produced this view of Jewish powerlessness in the Middle Ages in order to convince the world that the Jews would be good citizens of any nation in which they resided. Baruch Spinoza, in his own determina-

tion to show that the Jews were not chosen or unique, had also argued that the Jews no longer have a political existence. Biale's thesis, then, is directed largely at certain doctrinaire Zionists, anti-Zionists and Haskalists who have not been much affected by the wealth of information available today about the Jewish past.

Biale says of his book, "This is not a comprehensive political history of the Jews or a history of Jewish political thought." It is, in fact, a series of reflections. Although clear enough in style, the essays seem to tend more toward a stream of consciousness mode rather than to the sort of organization more expected in historical works. Main points are not always systematically presented and focus is lost. Biale's use of a reflective attitude in place of critically argued insight tends to weaken concentration on the topic.

Difficulties in critical apparatus should be noted. There are too many references to English translations of original sources in other languages. Also, some citations of primary sources are drawn from source anthologies rather than from their original provenances.

In a book of reflections it is perhaps to be expected that many provocative sentences will raise important ideas which are then not thoroughly discussed. For example, King Manasseh of Judah is described as maintaining a successful policy of survival. This is certainly not consistent with the simple meaning of the primary sources on Manasseh. One would like to see this point thoroughly considered. Again, the power of the patriarch in third century Judea was so great that "it occasioned the outright opposition of some of the rabbis." No special evidence is offered to support this assertion. And "Mitnagdim tried to preserve traditional authority against the challenge of the Hasidim." If this is to be more

than a misleading generality, it must be explained. Also, "Jews have chosen the modern nation state whether in the form of the state of Israel or American democracy as the best guarantee for survival." If this, too, is more than a generality of dubious verisimilitude then it cannot simply be left dangling.

Some lack of proper care appears in the use of rabbinic materials. Sources from different eras are, at times, associated a bit loosely. One paragraph lumps together the opinions of R. Eliezer Mizrahi, a 16th century commentator, with Talmudic passages. Again, it was pointed out long ago that one cannot assume that Jews acted in a certain manner simply because a rabbinic law forbade it; e.g., the fact that *Sefer Or Zarua* discusses whether Jews may carry arms on the Sabbath does not imply, as is asserted here, that Jews of 13th century Vienna carried arms during the rest of the week. In this area, one misses a more detailed study of Talmudic views of government and, also, of the views of more modern rabbinic scholars, in particular, Z. H. Chajes, who has his own unique theory of government, much like a social contract.

What is the advantage of a book of reflections over a more systematic approach, especially on such a potentially thought-provoking topic as this? Can reflections substitute for organized theses based on close research and documentation meticulously presented, or for insights carefully refined and applied? This book is not lacking in interesting and intelligent reflections, but they are generally not organized and woven into a systematic framework. One wishes that the author had restricted his subject matter and concentrated on developing his thoughts thoroughly one by one, perhaps in a series of publications rather than in

one book. There are ideas here which merit further investigation both for their scholarly and, indeed, practical worth, but the presentation must be carried farther to achieve its full significance.



Jews and Law

Midrash, Mishnah, and Gemara: The Jewish Predilection for Justified Law. By DAVID WEISS HALIVNI. Cambridge, Mass. Harvard University Press, 1986. 164 pp.

Reviewed by LOUIS JACOBS

IN THIS book the renowned Talmudic scholar, Professor David Weiss Halivni, offers a wide-ranging thesis, buttressed throughout by the meticulous attention to detail typical of his much admired *Sources and Traditions*, together with which it will undoubtedly take its place as an indispensable tool for every serious student of Rabbinic Judaism. This is not to say that all of his views are indisputable, as, judging by his great scholarly integrity, he would be the first to admit. It is a happy coincidence that the three outstanding scholars in this field all have the same name, Weiss (*lehavdil beyn hayyim lehayyim*), the other two being, of course, I.H. Weiss (of *Dor Dor Vedorshav* fame) and Abraham Weiss. (It is astonishing that there is not a single reference to the latter in this book, nor to the work of Hyman Klein, whose views on the construction of the Babylonian Talmud are strictly germane to the issues raised.)

Weiss Halivni's basic argument is that, from the Biblical books, especially Deuteronomy onwards, down to the present day, there is a

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predilection (as the subtitle has it) among Jews for "justified," as opposed to "apodictic," law. The midrashic approach is firmly based on Scripture, thus appealing to justification rather than relying on dogmatic assertions. In the Mishnah, on the other hand, the apodictic approach predominates. In the acute analysis this is seen as dating from the period just after the destruction of the Temple in 70 C.E., a response to particular religious and political conditions prevailing at the time and is, consequently, in the author's words, a deviant form. In the post-mishnaic period the *Amoraim* began to depart from the mishnaic form, returning to the midrashic, non-apodictic form. This is the work of the *Stammaim* ("the anonymous ones, a felicitous coinage for those who provided the framework of the Talmud as we now have it). The non-apodictic comes into its own again in the Gemara, in the "give and take" of the debates. Here the study of the Torah for its own sake takes such precedence over conclusions for the practical life of religion as to be almost unconcerned with the actual *halakhah*, "the rule in practice." With the exception of Maimonides' great Code, the *Mishneh Torah*, this method became the norm even for the Codifiers whose task it was to provide the practical *halakhah*. The argument is not simply a means to an end; it is an end in itself. This approach is also to be discerned in such Biblical commentators as *Rashbam* and Abraham Ibn Ezra who pursue their way with blithe disregard for the traditional, halakhic interpretation, at least on occasion.

It is the problem of the redaction of the Talmud that set the author on his quest in the first instance (p.3). The Babylonian Talmud is silent on the question of how it was put together and by whom. The conventional term for the redac-

tors is *mesadrei ha-talmud*, "the organisers of the Talmud." On the basis of the famous Letter of Sherira Gaon, these were believed to be Rav Ashi and Ravina, but such a view, if taken at its face value, is preposterous, if only because the talmudic *sugya* (constituting at least half the whole work) obviously post-dates Rav Ashi and Ravina who appear frequently as the heroes of the story, not as its authors. Again there are references in Sherira's Letter to the *Saboraim* who made comparatively few additions to an already complete Talmud and whose work can be detected on stylistic grounds in the opening sections of tractates *Kiddushin* and *Bava Mezia* and, according to Abraham Weiss, in the opening sections of most other tractates as well. Consequently, it is necessary to postulate, as Weiss Halivni does, that there are three distinct strata in the Talmud as we now have it: 1) that of the *Amoraim*; 2) that of the framework provided by the *Stammaim*; 3) the *Saboraic* material.

Why did the *Stammaim* do their work anonymously? The author's reply (pp.85-87), that they considered themselves to be inferior to the *Amoraim*, is hard to accept. The *Amoraim* surely considered themselves to be inferior to the *Tannaim* and, yet, they did not seem averse to giving their names to their ideas. Weiss Halivni states of the *Stammaim* (p.3): "They were more than editors — that is, they did not just correct and arrange contents and style in conformity with set standards, they were partners in creation." But he stops short of saying that they were the actual creators of the Talmud, a view for the correctness of which I have argued elsewhere. He states, in fact (p.87), that the *Stammaim* were "rebuilders of the old rather than creators of the new; as explicators and not originators." It seems far better to see the *Stammaim* as those who told the tale

and that is why they remain anonymous. Your story teller gives the names of his characters; he does not allow his own name any entrance. We are familiar with Hamlet, Macbeth, Prospero, Shylock and the rest, but Shakespeare himself takes so much of a back seat, as it were, that it can seriously have been conjectured that "he" was Francis Bacon. I would not put it past the *Stammaim* to have invented some of the sayings that they attributed to the *Amoraim* in their efforts at creation.¹

Nor is Weiss Halivni convincing when he observes (p.83) that the present Gemara was compiled and transmitted while still in an oral state. Though it is true, as he observes, that our first reliable record of a written Talmud dates no earlier than the eighth century, this argument from silence can safely be ignored in the light of the internal evidence. It is extremely unlikely, I would say impossible, for a work bearing all of the indications of a literary composition — contrivance, the use of a calculated building up to a climax and the arrangement of the material in threes and other "sacred numbers" — to have been composed in the head, so to speak.

Who were the *Stammaim*? Where did they live and in which centers did they do their work? Why does the framework of *Nedarim*, *Nazir* and *Temurah* differ in language from the other tractates and yet resemble them so closely in style and method? These questions have been discussed but still await a solution.

Dealing with another puzzle — why do *Rashbam* and others in the Middle Ages sometimes interpret Scripture in a way that contradicts the halakhic interpretations — the

author (p.106) explains it on the grounds of his contention that these exegetes were influenced by the non-apodictic approach. The study of the Torah for its own sake was paramount to the extent that it could, and should, be engaged in even when in flat contradiction to the halakhah. Thus, *Rashbam*, as a pious Jew, certainly wore *tefillin*, yet, in his comment to "And this shall serve you as a sign on your hand and as a reminder on your forehead" (Exodus 13:9) he is prepared to understand the verse in the sense of a figurative binding. Since *Rashbam* was not schizophrenic, it can only be, according to Weiss Halivni, that, in his Bible commentary he was studying the Torah as a supreme aim in itself. Such study was regarded as admirable not alone where it was irrelevant to practice but even where it was in flat contradiction to that interpretation which lead to practice.

This explanation seems highly improbable. If the real meaning of the verse is what the halakhah says it is, then to read any contradictory meaning into the verse could hardly be considered study of the Torah, albeit a study independent of the halakhah. It would not be considered study of the Torah at all. It can hardly be maintained that *Rashbam* would have thought it meritorious to give instances of Karaite exegesis, for example, because, though not acceptable in practice, they are part of the activity known as Torah study. Surely, *Rashbam* was aware of the offense of unlawful interpretation (*megal-leh panim ba-torah shelo ka-halakhah*). It would be more than a little bizarre if the freedom granted to exegetes by the non-apodictic method were to result in interpretations that, far from "justifying" the law, actually succeeded in de-justifying it.

What, then, were *Rashbam* and the others doing? I would hazard a

1. See my article; "How Much of the Babylonian Talmud is Pseudepigraphic?" in *Journal of Jewish Studies* XXVII, No. 1, Spring 1977: 46-59).

guess that, probably in response to the Karaite challenge, they were saying something like this: "We grant you that the plain meaning is what you say it is, "binding," for instance, meaning a figurative not an actual binding. We agree with you that, in its plain meaning, the verse does not advocate the wearing of *tefillin*. But the halakhic tradition, which we accept, informs us that the verse *does* refer to the wearing of *tefillin* so that the plain meaning is not the *true* meaning." In any event, I cannot see how medieval Biblical exegesis contrary to the halakhah can be seen as inspired by the passion for non-apodictic law typical of the *Stammaim*.

It is in no way part of Weiss Haliv-

ni's thesis to consider the questions which arise from his view of how the Talmud came about and what it means for post-Talmudic codification of the law, but there is a problem, discussed more than once in this journal. Since the main thrust of the final Court of Appeal for the halakhah, the Babylonian Talmud, is in the direction of theory, how could it have been used as *the* basis for practical *halakhah*? In my book, *A Tree of Life*, I have argued that the fluidity of the talmudic material has, indeed, meant that, to some extent, the post-talmudic authorities were able to create *halakhah*, were able to say not only what the *halakhah* is but what it should be. But that is another story.

COMMUNICATIONS

On Women

TO THE EDITOR OF JUDAISM:

There are a number of serious objections that I have regarding Rabbi Theodore Friedman's recent essay on "The Shifting Role of Women, From the Bible to the Talmud." And although the piece had an interesting thesis and a conclusion with which many of us might concur, it is not quite so clear that one can "reach there from here."

In his Deuteronomy 29:10 reference regarding womens' participation in great religious assemblies, it must be noted that women there are joined to children, strangers and woodchoppers. And, in that context, it sounds very much like the text from Plato's Republic 431c. Joshua does, indeed, read the Torah to Israel, but women there are clearly in the company of strangers, too. Deuteronomy 31:12 (not Deut. 31:14) again places women in the now familiar category of children and strangers.

I thought Eli was rather surprised at Hannah's appearance at the Sanctuary. The text points out that he thought her drunk. In Samuel 6:22 Michal criticizes David's unbecoming behavior in dancing with slavegirls. There is no reference to the "ladies" of Israel dancing with him, nor are any other men engaged in such frivolous activity with him. Indeed, it is reminiscent of Rabbi Friedman's note 32 where the Talmud stipulates that those women who sang before Rabbi Abbahu were the "hand-maidens of Caesar" (*Ketuboth* 17a). Jewish women did not conduct themselves in this manner in the presence of men. In fact, where Miriam dances with the women after the crossing of the Sea, the text suggests that it took place after and apart from the men (Exodus 15:20).

The reference in *Nedarim* 49B clearly indicates that Rabbi Judah's wife did her market shopping while her husband went to the synagogue to pray.

No less an authority than Rabbi Meir states in *Ketuboth* 75a that he "doesn't

mind his wife's being exposed to the publicity of a court of law." But, of course, he was married to a rather exceptional woman, Beruriah.

I was distressed by the incorrect sources noted in the essay, or the lack thereof as in note 17 (*Vayikra Rabbah*?). Note 20 should be corrected to *Ketuboth* 75a as previously noted. Note 24 should read *Ketuboth* 59b where Rabbi Hiyya speaks of the essential function of a woman. And I wonder what the *Kiddushin* 81b reference is all about (note 26). It appears to me that perhaps what Rabbi Friedman had in mind was a *Baba Metzi'ah* 87a text where Abraham invited the "*gedolei ha-dor*" while Sarah hosted "their wives." As noted above, footnote 32 should read *Ketuboth* 17a and not 14b.

I must respectfully disagree with Rabbi Friedman's cavalier write-off of the rabbinic statements on women which he terms "ribbing." Note 54 should be corrected from 8:2 to 45:6 in *Bereshith Rabbah*. This text lists some very serious complaints and in the names of several sages individually and corporately: . . . "they are eavesdroppers, querulous, lazy, gluttons and jealous . . ." to list but a few. I refer the reader to *Niddah* 31b, *Kiddushin* 49b, *Avot* 2:8, *Shabbat* 33b and many, many more. And those sources are not "sweetness and light."

It is right to call attention to the phenomenon of the status of women in the evolution of Judaism in this age of feminism. However, apologia does not wash by putting the blame on Greeks bearing influence.

ISRAEL C. STEIN

Bridgeport, Conn.

Rabbi Friedman replies:

I must compliment and thank Rabbi Stein for painstakingly checking every reference in my essay. However, some of his corrections and observations stand in need of correction.

Nowhere do I argue that in the Biblical period women enjoyed equal social status with men. My thesis is that

they participated in all social and religious events and played an active role outside the confines of the home. Bracketing women with children and strangers in no way militates against that thesis.

Nowhere in the text in Samuel (1:12-14) is there any indication of surprise on the part of Eli at Hannah's presence in the Sanctuary. His rebuke to her was prompted by what he mistakenly thought was her drunkenness. (Hannah's is the first silent prayer recorded in the Bible.) As for Michal's scorn of David, it is provoked not because he danced before the Ark, but that he did so together with slavegirls. David's reply to Michal indicates as much. That women danced in public is apparent from a number of Biblical passages. Suffice it to quote one. "(Male) singers in front, musicians behind, between them girls with tambourines" (Ps 68:26). Contrary to what Rabbi Stein writes, the text in Exodus 15:20 does not suggest that the singing of Miriam and the women took place after and apart from the men. On that score, I paraphrase Cassutto's comment on the passage: Miriam and the women went out to join the men of Israel with musical instruments. What they sang — "Sing unto the Lord . . ." served as a refrain for each of the verses sung by the men.

I am puzzled by Rabbi Stein's assertion, based on the description of "Caesar's handmaidens" greeting Rabbi Abbaḥu with song (*Ketuboth* 17a), "that Jewish women did not conduct themselves in this manner in the presence of men." But, here, the reference is to the Rabbinic period, not the Biblical. That is precisely the point I make in my essay where I write (p. 483), "The Talmud records the singing and dancing of men at weddings. It makes no reference to women doing so." The contrast in this regard, as in others between the Biblical and Rabbinic period, is all too patent.

As for my reference to *Nedarim* 49b (note 14); in the body of the essay (p. 482) I write that this was an "exception

to the general practice," i.e. that women did not go shopping. I specifically indicate (p. 484) that in ancient Athens there would be no impropriety involved in a woman leaving her home to do personal shopping, exactly as in the case of Rabbi Judah's wife. This, my critic apparently overlooked in his reading of the essay.

Rabbi Stein has misread the Gemara in *Ketuboth* 75a. Rabbi Meir does *not* state that he doesn't mind his wife being exposed to the publicity of a court of law. When the Gemara asserts that Rabbi Meir *sevar* it does not mean that Rabbi Meir actually said so, but, rather, that the *stamma d'Gemara* reads this sentiment into the position of Rabbi Meir in a controversy between him and Rabbi Elazar. Actually, the original statement that a man does not want his wife to be disgraced by appearing in court comes from the second generation Palestinian Amora Rabbi Yochanan (*Ketuboth* 97b).

The lack of citation of *Parashah* and paragraph following *Vayikra Rabbah* (note 17) is obviously a printer's devil omission. 9:9 should be added. (All my other references to *Vayikra Rabbah* do cite *parashah* and paragraph). The reference is to the familiar story of the woman who used to attend the Beit Midrash of Rabbi Meir on Friday evenings.

The reference in note 24 is to *Taanit* as indicated, but the folio reference should read 31a. Rabbi Hiyya, in *Ketuboth* 59b, is merely quoting the *Baraita* found in *Taanit*. The reference to *Kiddushin* 81b is to Samuel's statement there that one must not come in physical contact with a woman (other than one's wife). This, to my mind, explains the statement in the text of the essay, that when a man entertained guests, it was he who served them, not his wife; a practice frequently mentioned in the Talmud.

Note 54 should be corrected to *Bereishit Rabbah* 18:2 — again a typographical error and not as Rabbi Stein writes, 45:6. The animadversions in the latter passage of the faults of women is really

a later Amoraic paraphrase of the statement by Levi — a Tanna-Amora — found in 18:2.

Finally, my judgment that the derogatory remarks of the Rabbis on the nature of women are “sweetness and light” compared to what one finds in Greek literature is based on the fact that Rabbinic literature contains numerous encomia on the virtues of women. For example, “a Jew who has no wife dwells without joy, without blessing, without good” (*Yevamot* 62b). No such sentiment is to be found in Greek literature.

THEODORE FRIEDMAN

Jerusalem

On Dissent

TO THE EDITOR:

First I must congratulate you on the continuing excellence of JUDAISM.

Second, I want to take issue with our mutual friend, Sol Roth.

In his essay on pluralism in JUDA-

ISM (Spring, 1987), Rabbi Roth makes the point that today there is no choice but to accept pluralism as a fact and even a desirable one. However, in an age when there was, or will be, duly constituted authority among us, he holds that pluralism would not be deemed a Jewish ideal. I submit that it was never a Jewish ideal that all Jews shall think as one on all issues and approve all the decisions of the majority of the Sanhedrin.

At Sinai all may have stood as one — as the Midrash says — but the legitimacy of dissent was recognized not only in the decision making process but also thereafter. The minority who dissented from the majority could continue to propagate their views though they were expected to act in their judicial capacity in accordance with the final decision.

In one sentence Rabbi Roth alludes to this but the point merits a very specific statement and that is why I write.

EMANUEL RACKMAN

Ramat Gan

BOOKS RECEIVED

July 1987 through September 1987

Listing of a book does not preclude its being reviewed in a subsequent issue of JUDAISM

Anthologies

Fein, Leonard, ed. *Jewish Possibilities: The Best of Moment Magazine*. Northvale, N.J.: Jason Aronson, Inc., 1987. 397 pp.

Kibbutz Authors: A Literary Harvest. Tel Aviv: Shdemot, 1987. 180 pp., (paper).

Autobiography and Biography

Cheuse, Alan. *Fall Out of Heaven*. An Autobiographical Journey. Salt Lake City: Gibbs M. Smith, Inc., 1987. 308 pp., \$17.95.

Goldman, Rabbi Alex J. *The Greatest Rabbis Hall of Fame*. New York: Shapolsky Publishing Inc., 1987. 379 pp., \$7.95 (paper).

Isaacs, Ronald H. and Leora W. *Reflections: A Jewish Grandparents' Gift of Memories*. Northvale, N.J.: Jason Aronson Publishers, 1987. 163 pp.

Jablonski, Edward. *Gershwin*. A Biography. New York: Doubleday, 1987. xv + 436 pp., \$21.50.

Panitz, Esther L. *Simon Wolf*. Private Conscience and Public Image. Cranbury, N.J.: Fairleigh Dickinson Press, 1987. 225 pp., \$29.50.

Stein, Edith. *Life in a Jewish Family*. 1891-1916. Washington, D.C.: ICS Publications, 1987. viii + 547 pp., \$10.95 (paper).

Bible

Alter, Robert and Frank Kermode, eds. *The Literary Guide to the Bible*. Cambridge, Mass.: Harvard University Press, 1987. 678 pp., \$29.95.

Charlesworth, James H., ed. *The Old Testament, Vol. 2. Pseudepigrapha*. Garden City, N.Y.: Doubleday & Co., 1987. \$47.00.

Girzone, Joseph F. *Joshua, A Parable For Today*. New York: MacMillan Publishing Co., 1987. 271 pp., \$6.95 (paper).

Oden, Robert A. Jr., *The Bible Without Theology*. The Theological Tradition and Alternatives to It. San Francisco: Harper & Row, 1987. ix + 198 pp., \$18.95.

Van Seters, John. *Abraham in History and Tradition*. New Haven, Conn.: Yale University Press, 1987. 335 pp., \$14.95 (paper).

Christianity and Jewish/Christian Relations

Horsley, Richard A. *Jesus and the Spiral of Violence*. Popular Jewish Resistance in Roman Palestine. San Francisco: Harper & Row, 1987. xi + 355 pp., \$27.95.

van Buren, Paul M. *A Theology of the Jewish-Christian Reality*. Part I — Discerning the Way. Part 2 — A Christian Theology of the People Israel.

San Francisco: Harper & Row, 1987. 207 pp. Part 1, 363 pp. Part 2. \$10.95 each (paper).

Education

Rosenak, Michael. *Commandments and Concerns*. Jewish Religious Education in a Secular Society. Philadelphia: Jewish Publication Society, 1987. 307 pp., \$27.50.

Festschriften and Yearbooks.

Polin. A Journal of Polish-Jewish Studies, Vol. I. Oxford: Basil Blackwell for the Institute for Polish-Jewish Studies, 1987. x + 422 pp., \$49.95.
Singer, David and Ruth R. Seldin, eds. *American Jewish Year Book*, 1987. New York: AJC and JPS, 1987. xi + 507 pp., \$25.95.
Waldman, Nahum M. *Community and Culture*. Essays in Jewish Studies in Honor of the 90th Anniversary of Gratz College. Philadelphia, Pa.: Seth Press, 1987. xvi + 326 pp., \$39.95.

Fiction

Epstein, Seymour. *Leah*. Philadelphia: JPS, 1987. 284 pp., \$8.95.
Fink, Ida. *A Scrap of Time*. New York: Pantheon Books, 1987. 165 pp., \$15.95.
Fruchter, Norman. *Coat Upon a Stick*. Philadelphia: JPS, 1987. 246 pp., \$8.95 (paper).
Halter, Marek. *The Book of Abraham*. New York: Dell Publishing Co., 1987. 704 pp., \$4.95 (paper).
Heywood, Joseph. *The Berkut*. New York: Random House, 1987. 489 pp., \$18.95.
High, Monique Raphael. *Thy Father's House*. New York: Delacorte Press, 1987. 362 pp., \$17.95.
Konecky, Edith. *Allegra Maud Goldman*. Philadelphia: JPS, 1987. 145 pp., \$7.95 (paper).
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Shabtai, Yaakov. *Past Perfect*. New York: Viking Press, 1987. 291 pp., \$18.95.
Sholom, Aleichem, tr. by Hillel Halkin. *Tevey The Dairyman and The Railroad Stories*. New York: Schocken Books, 1987. xli + 309 pp., \$19.95.
Sinclair, Jo. *Wasteland*. Philadelphia: JPS, 1987. 348 pp., \$9.95.

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Friedman, Lester D. *The Jewish Image in American Film*. Secaucus, N.J.: Citadel Press, 1987. 259 pp., \$19.95.

Hasidism

Newman, Louis I. *The Hasidic Anthology*. Northvale, N.J.: Jason Aronson, Inc., 1987. xc + 713 pp., \$40.00.

Holocaust

Adler, Jacques. *The Jews of Paris and the Final Solution*. New York: Oxford University Press, 1987. xxii + 310 pp., \$32.50.

Geve, Thomas. *Guns and Barbed Wire: A Child Survives the Holocaust*. Chicago: Academy Chicago Publishers, 1987. 220 pp., \$18.95.

Kantor, Alfred. *An Artist's Journal of the Holocaust*. New York: Schocken Books, 1987. 127 pp., \$16.95 (paper).

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Mosse, George L. *Toward the Final Solution*. A History of European Racism. Madison, Wis.: University of Wisconsin Press, 1985. 277 pp., \$12.95 (paper).

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Cohen, Sarah Blacher, ed. *Jewish Wry*. Essays on Jewish Humor. Bloomington, Ind.: Indiana University Press, 1987. ix + 244 pp., \$27.50.

Mason, Jackie. *Jackie Mason's "The World According to Me."* New York: Simon and Schuster, 1987. 96 pp., \$16.95.

Israel

Flapan, Simha. *The Birth of Israel: Myths and Realities*. New York: Pantheon Books, 1987. 277 pp., \$18.95.

Jewish Life

Cuddihy, John Murray. *The Ordeal of Civility*. Freud, Marx, Levi-Strauss, and the Jewish Struggle with Modernity. Boston: Beacon Press, 1987. xx + 272 pp., \$9.95 (paper).

Jewish Thought

Twersky, Isadore and Bernard Septimus, eds. *Jewish Thought in the 17th Century*. Cambridge, Mass.: Harvard University Press, 1987. 521 pp., \$12.50 (paper).

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Rubinstein, Hilary. *Chosen: The Jews in Australia*. Sydney, Australia: Allen & Unwin, 1987. xxii + 308 pp., \$37.95.

Shamin, Shimon, ed. *The Jews of Egypt. A Mediterranean Society in Modern Times*. Boulder, Colo.: Westview Press, 1987. xix + 304 pp., \$45.00.

Juvenile

Kushner, Lawrence. *The Book of Miracles. A Young Person's Guide to Jewish Spirituality*. New York: UAHC Press, 1987. 80 pp., \$7.95 (paper).
Serwer-Bernstein, Blanche. *Let's Steal the Moon. Jewish Tales, Ancient and Recent*. New York: Shapolsky Publishers, 1987. 85 pp. (paper).

Literary Criticism

Chyet, Stanley F. *Style and Situation. The Emergence of American Jewish Fiction*. Cincinnati, Ohio: American Jewish Archives. 37 pp., (paper).

Mental Health

Bulka, Reuven P. *The Jewish Pleasure Principle*. New York: Human Sciences Press, Inc. 1987. 151 pp., \$24.95.

Philosophy

ben Shmuel, Daniyyel. *A Guide For the Still Perplexed*. Miami: Dimona Press, 1987. 186 pp.
Charry, Ellen T. *Franz Rosenzweig and the Freedom of God*. Bristol, Ind.: Wyndham Hall Press, 1987. 148 pp. (paper).
Heschel, Abraham Joshua. *God in Search of Man: A Philosophy of Judaism*. Northvale, N.J.: Jason Aronson Inc., 1987. 437 pp., \$30.00.
Samuelson, Norbert M., ed. *Studies in Jewish Philosophy*. Lanham, Md.: University Press of America, 1987. vii + 591 pp., \$27.50 (paper).

Prayer

The Assembly of Rabbis of the Reform Synagogues of Great Britain, eds. *Forms of Prayer for Jewish Worship. Daily, Sabbath and Occasional Prayers*. London: The Reform Synagogues of Great Britain, 1977. 1051 pp.

Religion

Antoun, Richard T. and Mary Elaine Hegland. *Religious Resurgence. Contemporary Cases in Islam, Christianity and Judaism*. Syracuse, N.Y.: Syracuse University Press, 1987. xiii + 269 pp.
Furman, Frida Kerner. *Beyond Yiddishkeit. The Struggle for Jewish Identity in a Reform Synagogue*. Albany, N. Y.: SUNY, 1987. 157 pp. \$9.95 (paper).
Silver, Abba Hillel. *Where Judaism Differed*. Northvale, N. J.: Jason Aronson Inc., 1987. 318 pp. \$25.00.
Smith, Jonathan L. *To Take Place. Toward Theory in Ritual*. Chicago: University of Chicago Press, 1987. xvii + 183 pp. \$27.50.

Russian Jewry

Wiesel, Elie. *The Jews of Silence*. A Personal Report on Soviet Jewry. New York: Schocken Books, 1987. 116 pp., \$8.95 (paper).

Talmud

Urbach, Ephraim E. *The Sages*. The World and Wisdom of the Rabbis of the Talmud. Cambridge, Mass.: Harvard University Press, 1987. 1084 pp., \$18.95 (paper).

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Howe, Irving, Ruth R. Wisse, Khone Shmeruk, eds. *The Penguin Book of Modern Yiddish Verse*. New York: Viking Press, 1987. 706 pp., \$29.95.

Zionism

Almog, Shmuel. *Zionism & History*. The Rise of a New Jewish Consciousness. New York: St. Martin's Press, 330 pp., \$30.00.

Cohen, Michael J. *The Origins and Evolution of the Arab-Zionist Conflict*. Berkeley, Cal.: University of California Press, 1987. 187 pp., \$18.95.

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